

# WaterSki and Wakeboard Saskatchewan Policy Manual and Guidelines



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# WATERSKI AND WAKEBOARD SASKATCHEWAN INC

## 2022 POLICY MANUAL

The purpose of the following articles in the policy manual is to provide guidelines for executive use. These articles do not form part of the By Laws and as such can be used by the Board in policy matters normally not included in the By Laws.

The policy manual will be reviewed and updated annually or as needed by the WSWSask Board of Directors. Amendments will be made and placed in their copies of the policy manual.

### **1. GUIDELINES FOR DISCIPLINARY ACTION**

1. Any competitor at any tournament, either sanctioned or not, may be subject to disciplinary action for unsportsmanlike or improper conduct by a simple majority vote of the Board.
2. Any representative of WSWS referring to coach, manager or others so designated by WSWS may be subject to disciplinary action for unsportsmanlike or improper conduct by a simple majority vote of the Board.
3. Such disciplinary action may involve removal of financial assistance to the Athlete or persons so involved or any other reasonable action the Board may decide upon.
4. Such disciplinary action to be voted upon within forty-five (45) days of the Board having been made aware of the action.

### **2. GUIDELINES FOR PARTICIPATION GRASSROOTS TRAVELING COACH (ROLES)**

1. The Participation Grassroots Traveling Coach will be available to carry out all necessary water ski and wakeboard activities during the months of June, July and August.
2. The Participation Grassroots Traveling Coach will set up sites for hosts at the host's request, with the V.P. Participation's approval.
3. The Participation Grassroots Traveling Coach will set up sites two days prior to provincials and three days prior to Westerns if the host club makes a formal request to the V.P. Sport for All. This will be at WSWS expense.
4. The Participation Grassroots Traveling Coach will be responsible for on-site organization and instruction of towed water sport clinics throughout the period of the contract.

5. The Participation Grassroots Traveling Coach must conduct himself/herself in a responsible manner with the understanding that the position is also one of public relations for WSWs. At no time will any harassment be tolerated. This coach will adhere to all WSWs Policies regarding conduct.
6. Dates for the clinics will be arranged by Participation Grassroots Traveling Coach and the Executive Director. If it is necessary to cancel a clinic, every effort will be made to arrange an alternate date. Should the budgeted days for the season be attained the hosting club will not be charged for canceled clinic days. If the budgeted days for the season are not met by season end the host of the clinic days could be charged an administration fee of not less than \$150.00 per canceled day.
7. The Participation Grassroots Traveling Coach will be paid as per the current Tender for WSWs Grassroots Traveling Clinic Coach.
8. The Participation Grassroots Traveling Coach will arrange for safe storage and deliver the boat to the next Traveling Clinic site at the close of each preceding clinic.
9. All monies collected and all membership forms must be sent to the Treasurer or Executive Director at the end of every two weeks.
10. The Participation Grassroots Traveling Coach must fill out the logbook completely daily and submit this to the V.P. Participation or the Executive Director immediately following the clinic week, before funds will be advanced.
11. An evaluation form should be filled out by the host club at the end of each clinic and forwarded to the V.P. Participation or Executive Director.
12. A full report of summer activities and recommendations will be forwarded to the Executive Director on before September 15 of the year of the contract for presentation at the AGM.
13. The Participation Grassroots Traveling Coach will be responsible for transporting, maintenance and overall care of the boat during his or her term of contract.
  1. He/she will drive the boat at all times during clinics and tournaments, except where a qualified boat driver has been designated to drive. Waiver forms for boat drivers other than the coach must be signed. All boat drivers must be WSWs members to insure insurance is in place.
  2. He/she will fill out the logbook concerning hours and boat maintenance and return this to the V.P. Participation or the Executive Director at the end of each two week period.
  3. At no time will the Participation Grassroots Traveling Coach be allowed to employ help either in return for monies or free skiing without the consent of the Executive.

4. REPAIRS: Repairs for the Boat and Trailer will be authorized by:
  - the Participation Grassroots Traveling Coach if repairs are under \$100.00
  - the V.P. Participation if repairs exceed \$100.00

### **3. FINANCIAL POLICIES OF WATERSKI AND WAKEBOARD SASKATCHEWAN**

Water Ski and Wakeboard Saskatchewan Inc. is established under the authority of the Corporate Registry of the Saskatchewan Corporations Branch as a Non-Profit Corporation. Corporate Returns are filed Annually.

1. Objectives
  1. WSWS shall pursue its objectives, as described within the Bylaws and Policy Manual and under the Guidelines of Sask Sport Inc.
  2. Books of account, records in relation thereto, and financial and management control shall be established and maintained in such a manner as to provide reasonable assurance that:
    - Assets are safeguarded, accounted for and controlled
    - The transactions of WSWS are in accordance with the bylaws and policy manual
    - The financial, human and physical resources of WSWS are managed economically and efficiently and
    - The operations of WSWS are carried out effectively.
2. Roles and Responsibilities
  1. The Board of Directors in its responsibility towards the membership for the delivery of the mandate and is accountable for all of the WSWS financial obligations.
  2. The Executive Director as senior financial officer designate, shall be responsible for the day-to-day implementation of the WSWS's Finance Policy and to carry out and execute business transactions.
  3. The Financial Procedures that follow shall set out the various guidelines and processes in the area of financial management and administration and shall be consistent with financial policy and directives.
3. Financial Year

WSWS fiscal year-end shall be the 12 months ended December 31st.
4. Plans and Budgets
  1. WSWS shall prepare annual plans and budgets. The Operating Budget is an expression of WSWS plans in financial terms. The Operating Budget serves three main purposes:
    - To determine financial and other resources to carry out annual plans;
    - To obtain the Board of Directors' approval of the resources required to meet WSWS objectives; and,
    - To provide a basis for financial monitoring and control.
  2. WSWS shall establish and maintain a process to ensure that plans and budgets are:
    - Prepared in accordance with the Sask Sport Guidelines planning and resource allocation process;
    - Consistent with WSWS bylaws and Policy Manual;
    - Based on plausible assumptions;
    - Clearly assigned for preparation and approval.
  3. The Budget shall provide the authority to carry out operations in the upcoming year and to consume resources to achieve the objectives of WSWS.

4. Resources in the Operating Plan shall be approved annually on a fiscal year basis, and shall be allocated for specific purposes.
5. Allocated resources shall be committed and used in accordance with delegated financial signing authorities.
6. WSWS shall maintain records to ensure that approved limits are not exceeded.
7. WSWS shall review actual experience against budget and shall analyze variances and take appropriate remedial action, where required.

5. Financial Management Control Systems

1. WSWS financial information systems shall support business and financial reporting requirements, and will include controls to ensure that the information is complete, accurate, and properly authorized. This includes any applicable remittances to the Canada Revenue Agency.
2. WSWS shall establish and maintain a system of recording expenditures in a timely and accurate fashion.
3. WSWS shall establish and maintain adequate controls to ensure that the revenue due to WSWS is recorded and collected on a timely basis.

6. Internal Management Reports

1. WSWS shall maintain internal management reporting systems that provide the Board of Directors with the financial reports that are relevant, simple, timely, accurate, current and consistent.

7. External Financial Reporting

1. External financial reporting is prepared by WSWS in a format that shall portray its financial activities in a clear and comprehensive manner.
2. The principal external reports are the financial statements and summaries.
3. In its annual report, WSWS shall acknowledge its responsibility for establishing and maintaining a system of books, records, internal controls and management practices to provide assurance that reliable financial information is produced and that assets are safeguarded and controlled.
4. The Board of Directors shall recommend to the membership the appointment of the external auditor.

8. Internal Control

1. All cheques issued by WSWS must be signed by two authorized signing Officers. These Officers will be selected or reviewed by the Board annually and the Officers will be current Board Members of WSWS. The Executive Director may be chosen as a signing Officer.
2. All cheques issued must be supported with appropriate and approved documentation.
3. Adequate controls must be in place to ensure complete and accurate reporting of all disbursements made.
4. All cheque disbursements are to be made on serially numbered cheques.
5. Original invoices and other supporting documentation must be attached to the copy of the cheque voucher, retained and filed in numerical sequence.
6. Adequate procedures shall be established and maintained for the verification of accounts before payment is made. As a minimum these shall include:

- That the work has been performed, the goods supplied or the service rendered, as the case may be, and that the price charged is according to contract, or if not specified by contract, is reasonable;
  - That supplies and services are in accordance with contract specifications and that all the terms and conditions of the contract have been met;
  - That any other procedures necessary in relation to the payment are carried out.
7. Bank deposit slips must be identified and the items listed clearly described with sufficient information so that all entries may be credited to the relevant accounts.

Created: July 1, 2010

#### **4. GUIDELINES FOR THE WSWs BOAT**

1. Boat use: The boat will be available for use at clinics, tournaments, team training and other events only if prior approval has been obtained from the Executive.
2. Boat fee: A minimum fee of \$500.00 will be charged for use of the boat at tournaments and other events, unless the Executive approves other arrangements eg. \$200/day.
3. Care and Maintenance: The V.P. Participation will assume overall responsibility for the boat. The Participation Grassroots Traveling Coach will be responsible for transporting, maintenance and overall care of the boat during his/her term of employment.
4. Repairs: Repairs for the Boat and Trailer will be authorized by:
  - the Participation Grassroots Traveling Coach if repairs are under \$100.00
  - the V.P. Participation if repairs exceed \$100.00
5. All bills are to be submitted to the Treasurer or Executive Director within ten days.
6. Licensing and Insurance: It will be the responsibility of the VP Participation to ensure that the boat is properly license and insured.

#### **5. CREDIT CARD POLICY**

Many of the routine expenditures of Water Ski and Wakeboard Saskatchewan (WSWSask) may be processed via corporate credit cards in the interests of expediency and efficiency. This is particularly apropos of expenditures made for travel and on behalf of the Traveling Clinic Program. Therefore, corporate credit cards are held by specified WSWsASK employees who are in positions in which they both require a card and are authorized to commit funds in this way.

The use of corporate credit cards by individual employees entails the risk of abuse. It also provides the opportunity to earn rebates or rewards, or other forms of income for WSWsAsk. Therefore, strict guidelines for use are required.

1. Purpose

The purpose of this policy is to provide direction for the use of corporate credit cards within WSWASAK, with a view to managing risk and optimizing income opportunities.

2. Use of Corporate Credit Cards

1. WSWASAK employees who are authorized to commit WSWASAK funds and whose job requires them to do so frequently will be issued one or more corporate credit cards. The corporate credit card(s) will be issued in the name of the individual employee. Any annual or administration fee for the corporate credit card(s) will be paid by WSWASAK.
2. In the event that a corporate credit card that is selected for WSWASAK use has a rewards program, individual employees holding that card will enroll in that rewards program. Any rewards program fees will be paid by WSWASAK and all program rewards will accrue to WSWASAK.
3. Any corporate credit card held by WSWASAK individual employees is only to be used for WSWASAK expenditures. Such expenditures must be within the parameters of the employee's assigned responsibilities and delegated authority, and within approved budgets.

3. Control and Payment

1. The limit on the credit card shall not exceed \$8000 unless otherwise approved by the board and amended in this policy.
2. Individual purchases shall not exceed \$1000 unless prior written approval has been obtained.
3. The Executive Director will collect all monthly receipts. A statement with all receipts will either be signed by two other signors OR a scanned copy of the statement and receipts will be sent to the Executive for review and approved electronically by two signors.
4. Cash advance withdrawals are not permitted under any circumstances.

Date adopted: March, 2016

## **6. GUIDELINES FOR EXECUTIVE TRAVEL**

1. Mileage will be paid at \$.53 per km for executive meetings and other meetings, symposiums, Sask Sport meetings, etc. and \$.75 per km for towing the association boat for WSWASAK purposes that are approved by the WSWASAK Executive.
2. Meal expenses will be paid at \$50.00 per day while attending meetings.
3. Room expenses will be paid at actual rates, while attending meetings away from home.
4. Out-of-province travel will be paid at actual travel and room cost, and \$23.00 per day for meals, providing WSWASAK Executive has approved the purpose of the travel.
5. Executive members will complete the attached executive travel form and submit it to the Treasurer or Executive Director within ten days.
6. No expense claims be accepted from those executive members who reside at the location of the host meeting.

Date revised: October 2020

## 7. GUIDELINES FOR MEMBERSHIP

1. Membership fees will be proposed by the Executive and approved at the annual meeting. Presently established fees are as follows.

Comp	Individual	\$30
	Family	\$70
Club	Annual Registration	\$100
School	Annual Registration	\$100

2. Application forms must be completed and submitted to the Executive Director or Treasurer.
3. Application forms can be submitted any time during the fiscal year beginning January 1 and ending December 31
4. Members may self-declare as Aboriginal athletes and Adaptive athletes.
5. Benefits of Membership
  1. All members receive WSWs and WSWC newsletters
  2. Members can participate in programs for skiers, boarders, officials, coaches and boat drivers.
  3. Members can compete in WSWs sanctioned tournaments.
  4. Competitive Members receive insurance coverage through WSWs. This insurance is Sport Liability Insurance in the case of claims being brought against a member where an injured party is claiming compensatory damages arising from the member's action or alleged negligence. This insurance is not accident insurance nor does it cover any hospital stays, braces, ongoing care, etc.
6. In order to compete in the Westerns, Nationals or any Record Capable Provincial Tournament or Sanctioned Tournament out-of-country, members must fill out WSWC Competitive License Form. The deadline for submitting this form is set annually by WSWC.
7. PIPEDA (Personal Information Protection Electronic Documents Act)
  1. Personal information from club registration will be used and/or disclosed by Water Ski and Wakeboard Saskatchewan for, Sask Team participation, results (media), and providing clubs their membership information. Should a parent/guardian or athlete wish to restrict the release of and/or publication of personal information within the standard operating parameters of competitions, the individual or parent/guardian must send an email to [wswsask@gmail.com](mailto:wswsask@gmail.com) specifying the parameters under which the personal information be used.
  2. Operational uses and disclosures of personal information by Water Ski and Wakeboard Saskatchewan
    1. Forwarding Member information to their clubs
    2. Publishing individual photos that are taken at competitions or awards presentations
    3. Publishing photos or videos that are used in electronic or print media.
    4. Publishing names, genders, club affiliations and results in newsletters and other communications, in print form, electronic, posted to Water Ski and Wakeboard Saskatchewan website or otherwise.
    5. Other activities within the water ski and wakeboard community.

Date revised: April 2019

## **8. WATERSKI AND WAKEBOARD SASKATCHEWAN RESPECT IN SPORT POLICY**

1. Purpose of this Policy:
  1. Water Ski and Wakeboard Saskatchewan is committed to creating a sport environment in which all individuals are treated with respect and dignity. Coaches have a responsibility to create a sporting environment that is free of harassment, abuse, bullying and neglect.
  2. Water Ski and Wakeboard Saskatchewan requires that all coaches participating in towed water sports have completed the online Respect in Sport certification as required by Sask Sport Inc.
2. Scope and Application:
  1. The policy applies to all coaches registered or named on an official sport roster under the membership jurisdiction of Water Ski and Wakeboard Saskatchewan.
  2. Coaches currently coaching and registered with WSWS will have until September 30, 2013 to complete Respect in Sport certification training or training equivalency, such as NCCP Empower+.
  3. After September 30, 2013, any coaches not holding RiS certification; or any newly trained coaches; or any coaches moving into Saskatchewan that do not yet have RiS certification must complete the Respect in Sport online training prior to coaching any athletes in programming under the direction of Water Ski and Wakeboard Saskatchewan.
  4. Any coach not having Respect in Sport certification (or equivalency) by the deadline established above will be removed as a coach until such time that the course is completed.
  5. Water Ski and Wakeboard Saskatchewan is responsible for setting out the communication strategy specific to the certification requirements and deadline.
3. Enforcement:

Non-compliance with this policy may result in further discipline as determined by the Board of Directors or in accordance with Water Ski and Wakeboard Saskatchewan policy.
4. RiS Administration:

The Executive Director will have the administrative access to the RiS database to oversee functions such as report generation and monitoring.
5. Review and Approval:

This policy was approved by the Board of Directors and will be reviewed by the Board of Directors on an annual basis.

Policy approved: April 7, 2013

Date revised: Sept 13, 2013

## **9. GUIDELINES FOR THE ATHLETE ASSISTANCE APPLICATIONS**

### **1. PURPOSE:**

The purpose of the Athlete Assistance program is to assist in the development of Saskatchewan water skiers and wakeboarders who have completed successfully at the Provincials, Westerns and Nationals or have the potential to do so in the near future.

### **2. SELECTION OF ATHLETES**

Athletes will be awarded points based on Tournaments entered into. Total points between all athletes will then be added up and each point will be given a dollar value by the allocated funds the board has determined for the year. Points are as follows;

1 pt. Regional Based Tournament ie. Western's

- 2 pt. Canadian Nationals
- 3 pt. IWWF Sanctioned Events outside of Canada (Maximum of 2)

3. REMOVAL FROM THE PROGRAM

1. An athlete may be suspended from the program for any of the following reasons:
  1. Failure to attend prescribed tournaments without good reason, ie. The Provincials, Westerns and Nationals.
  2. Conduct, which at the discretion of the Executive, is deemed unbecoming and detrimental to the sport of water skiing, wakeboard, and towed water sports.
  3. Failure to train or make an effort to improve his/her skills.
  
2. An athlete removed from the program for any of the above reasons will be requested to return any money which has been issued for the fiscal year, and will not be issued any further assistance for that fiscal year.

4. ELIGIBLE EXPENSES

1. Equipment
2. Travel to clinics and tournaments (maximum 25% of total grant)
3. Room and sustenance if attending clinics or tournament away from home (maximum \$30.00 per day)
4. Registration fees for clinics and tournaments
5. Gas for training (maximum 25% of total grant)

5. INELIGIBLE EXPENSES

1. Club, WSWS and WSWC memberships
2. Clothing
3. No retroactive bills will be funded

6. PLEASE NOTE THE FOLLOWING:

1. Receipts are required to verify all expenses reimbursed in that way.
2. You must disclose financial assistance received from other sources. ie. Money received from the WSWS for travel to Westerns and Nationals, any money received from local clubs or the M.A.P. grant, Zone funding, etc.

Revised September 24, 2018

## 10. GUIDELINES FOR HIGH PERFORMANCE AND DEVELOPMENT TEAM SELECTION CRITERIA (SELECTION)

WSWS has determined that the goal of the High Performance and Development Teams is to develop water skiers, wakeboarders and towed water sports athletes capable of winning medals at Western and National Championships, and to have Saskatchewan Water Skiers and Wakeboarders selected to the national teams.

All Saskatchewan Water Ski and Wakeboard members in good standing and holding a current competitive license are eligible for selection to the High Performance and Development teams.

1. WATERSKI: The teams will be comprised of skiers who must meet the following criteria:

A Team: must be 26 years of age or under as of Jan 1 in the year receiving the grant

B and C Team: must be 21 years of age or under as of Jan 1 in the year receiving the grant

B1 and G1 : must compete and put a reasonable amount of effort into training for Slalom and Trick, Jump is highly recommended.

B2, B3, G2 and G3: must compete in and put a reasonable amount of effort into training for all three events, Slalom, Trick and Jump.

M1, M2, W1 and W2: must compete and train in a minimum of one event.

Skiers will be selected on a point system: 5 points awarded for results and 5 points awarded on performance standards for a total of 10 points.

Skiers scoring 7 points or more will earn a place on the Sask First Team, 5-6 points will earn a place on the B Team and 3-4 points will earn a place on the "C" Team.

Results:	3 points for Medals at National
	2 points for placing 10 <sup>th</sup> – 4 <sup>th</sup> at Nationals
	1 point for placing 15 <sup>th</sup> – 11 <sup>th</sup> at Nationals
	2 points for Medals at Westerns
	1 point for placing 10 <sup>th</sup> to 4 <sup>th</sup> at Westerns

Performance Standards:

Points ranging from 1 – 5 awarded according to the skiers achievements in relationship to the % of the National record. The skiers score will be based on the average of their best two tournaments, one of which must be Provincials, Westerns or Nationals, and the other which must be a record capability tournament.

1. The High Performance Team is restricted to four ski members; the Development teams are restricted to three ski members in each of the B and C teams. In event that more than four skiers qualify in any one year, skiers will be selected to the teams in the following order:
  - Skiers who achieve the minimum performance standard in three events supersede those who achieve the minimum performance standard in two or one event(s).
  - Skiers who achieve the minimum performance standard in two events supersede those who achieve the minimum performance standard in one event.
2. Selecting the High Performance and Development teams will be made annually by the WSWS Executive and announced at the Annual General Meeting. Skiers are responsible for ensuring that all out-of-country results are received by the Executive no later than September 30 each year. Eligible results must be obtained from October 1 to September 30.

3. Once a skier has been selected to the High Performance or Development team, he/she must demonstrate continued progress and will be evaluated each year and a failure to maintain the standards as set out in the selection criteria will result in the skier being dropped from their designated team.
4. The skiers selected for the A, B, and C teams will be paid athlete assistance that will be determined as follows:
  - A team members will be given 4 points
  - B team members will be given 2 points
  - C team members will be given 1 pointThe total money available for athlete assistance will be divided between the A, B and C team according to the points.

5. The following contract is a list of requirements that a member of the Sask First High Performance Team, has to accomplish during the ski season in order to be eligible for funding the following season. Besides the mandatory training at a "recognized" ski school, it will also be required that a formal report be submitted at the WSWs Annual General Meeting explaining the details of training as well as evidence of honoring the contract. Each member is required to obtain a minimum of 100 points during their annual term as a team member.

Points will be awarded as follows:

- 10 points for competing each of: Provincials, Westerns and Nationals. These thirty points are mandatory. (exception being only if qualifications are not met)
- 10 points for every Saskatchewan sanctioned tournament you compete in, not including Provincials, Westerns or nationals
- 20 points for every level increased as an official
- 30 points for every fully certified level increased as an official
- 30 points for every fully certified level increased as a coach
- 10 points for every sanctioned tournament member as an official. Provincials is an exception, each high performance member must officiate at Provincials (no points).
- 20 points for every eight hours of volunteer coaching within the Province
- 30 points to maintain regular off season training. Each month you must submit a copy of your work out, including dates and activity to the V.P. 3 Event.
- 10 points will be awarded to each member of any activity that promotes the development of water skiing (rationale is required, then subject to approval)

Note: Exceptions regarding the mandatory points may be made under extenuating circumstances, ie. Injury, illness, etc. However, these members must still obtain the minimum of 100 points.

#### 6. B and C Development Teams

The following contract is a list of requirements that a member of the Development team is required to accomplish during the ski season in order to be eligible for funding the following season. Each member is required to obtain a minimum of 50 points during their annual term as a team member.

Points will be awarded as follows:

7. 10 points for competing each of: Provincials, Westerns and Nationals. These thirty points are mandatory. (exception being only if qualifications are not met)
  - 10 points for every Saskatchewan sanctioned tournament competed in, not including Provincials, Westerns or nationals

- 20 points for every level increased as an official
- 30 points for every fully certified level increased as an official
- 30 points for every fully certified level increased as a coach
- 20 points will be awarded to each member of any activity that promotes the development of water skiing (rationale is required, then subject to approval)

Note: Exceptions regarding the mandatory points may be made under extenuating circumstances, i.e. Injury, illness, etc. However, these members must still obtain the minimum of 100 points.

By signing this contract, you agree to perform the duties listed above. Failure to do so will result in being expelled from the team.

(signature of Development Team member)

(date)

## 2. WAKEBOARD

Athlete Assistance is provided to the top 6 athletes who are competitive members of WSWs, compiled and distributed by VP Wakeboard and VP Wakeboard Excellence. Points are based on the following system:

### Participation Points:

Sask First Clinic Days attended – each day gives one point

Contests -each contest attended gives one point each 1<sup>st</sup> place will give 10 points (2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> place respectively)

Performance Results: Top 3 performances  
 Provincials and Nationals must be included

Injury will be evaluated separately, missed training due to personal issues will be evaluated separately.

## 11. GUIDELINES FOR TEAM TRAVEL

Travel expenses for team travel, which includes the competitors, and may include one coach and one manager, will be approved by the Executive on an annual basis depending on the amount of money available.

1. The manager will be responsible for giving the competitors an expense form and instructing them on the procedure for receiving payment.
2. The competitor will be responsible for submitting the expense form to the Treasurer or Executive Director for payment.
3. All expense claim forms should be submitted within ten days of the event

## 12. GUIDELINES FOR MAP GRANT APPLICATION

### 1. Purpose

The purpose of the M.A.P. grant is to assist member clubs in the promotion and development of water skiers and wakeboarders and towed water sports at the local level.

### 2. ELIGIBILITY CRITERIA

1. Clubs must have paid their registration fees for the present fiscal year.
2. Each club must have at least 4 members registered with WSWs. Family memberships are considered as one membership for this purpose.
3. The club must be in good standing with WSWs. Clubs must submit follow-up reports and financial statements as requested. They must also participate in fundraising projects as requested. It is also expected that clubs will encourage their membership to attend coaching and official clinics and participate in tournaments.

### 3. ELIGIBLE EXPENSES

The following expenses will be considered for approval:

Athlete Development:

1. Coaching
2. Travel, room and meals to tournaments and competitions within Saskatchewan

Equipment

1. Purchase or lease of a jump or slalom course or sliders
2. Purchase of water skis, ropes, boards

Operating Costs

1. Repairs to equipment
2. Boat Insurance for club owned boat
3. Club Liability insurance
4. Administration costs, stamps, stationery etc.
5. Boat gas

### 4. INELIGIBLE EXPENSES

1. Any construction, upgrading, maintenance or operation costs of facilities, ie. permanent facilities
2. Expenses claimed under another WSWC program
3. Subsidization of full-time employees (part-time or seasonal wages utilized in program development are eligible)
4. Cash prizes
5. Social events (barbeques, lunches)
6. Alcohol
7. Research projects
8. Out of province travel
9. Provincial or University CIS team expenses

The purpose of the MAP (Membership Assistance Program) Grant is to assist Member Clubs in the promotion and development of water skiers and wakeboarders and the sports of water skiing and wakeboarding at the local level.

#### Eligibility Criteria

- The Club must be in good standing with WSWs and have paid their registration fee for the present fiscal year.
- Each Club must have at least 4 members registered with WSWs. Family registrations are considered as one membership for this purpose.
- The Club must be in good reporting standing with WSWs. This means Clubs must have presented a previous season end follow up report describing activities of the club as well as plans for the upcoming year. The financial component of the report must include original receipts totalling any MAP funding that potentially could be earned in the coming year. The membership component of the report must include name, address and date of birth of all members of the club.
- One representative from each club must attend the Annual General Meeting

#### Timelines

- Submit Pre-Season Plan by March 1. Many clubs chose to include this with the Season End Report from the previous year.
- Submit \$100 Annual Club Registration by June 1
- Collect receipts throughout the season totalling or Exceeding funds you may potentially receive. Clubs will not receive MAP funds in excess of presented receipts. Receipts must be original, photocopies are accepted but the Club must keep the originals on file for seven years if at any time Water Ski and Wakeboard Saskatchewan or Sask Sport requests production of original receipts. Each receipt must show the item purchased, from whom it was purchased and include the date. Appendix C lists suggested expenditures and Ineligible Expenses.
- Submit Membership List to WSWs office by September 15. Membership list to include name, address and date of birth of all members.
- Submit Season End report prior to Annual General Meeting for publication. Deadline for this will be communicated by the WSWs office. Season End report may include plans for the upcoming season.
- Attend Annual General Meeting
- Submit Membership Dues and Financial Report (including receipts for MAP related expenses) by September 30
- Submit completed and signed MAP Application Form (Appendix A) and Activity Summary (Appendix B) by September 30
- For clubs that apply for a MAP grant by the September 30<sup>th</sup> deadline, final MAP allocations for eligible clubs will be calculated based on Season-end reports and membership numbers submitted by ALL clubs and by using the Points System calculations outlined in Club Activity Assessment (Appendix B).
- Grant cheques will be processed following the Annual General Meeting. These funds are in recognition of activities described in the Financial Report, verified by receipts.

#### Points Awarded

Funding is determined within the Annual WSWs Operating Budget. Points will be Awarded as outlined in the MAP Grant Application (Appendix A). When Clubs meet all Eligibility Criteria as confirmed by the Executive Director the points are translated into funds, approved by the Board and paid to clubs following the Annual General Meeting.

Further questions on MAP Grants may be made to the Executive Director of WSWs.

# APPENDIX A

## MAP GRANT APPLICATION & SPENDING PLAN

Club: \_\_\_\_\_

Primary Contact Information: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please provide brief description of Project:

### Budget:

MAP GRANT REQUESTED:

\$ \_\_\_\_\_

Other Income/Club Revenue:

\$ \_\_\_\_\_

Expenses:

\$ \_\_\_\_\_

\_\_\_\_\_

\$ \_\_\_\_\_

\_\_\_\_\_

\$ \_\_\_\_\_

\_\_\_\_\_

\$ \_\_\_\_\_

I hereby certify this information to be correct

\_\_\_\_\_  
Club President or Signing Officer

\_\_\_\_\_  
Date:  
(must be no later than September 30)

# APPENDIX B

## CLUB ACTIVITY ASSESSMENT

CLUB NAME: \_\_\_\_\_

### PART A: CLUB MEMBERSHIP

For the purpose of determining eligible MAP grant funding, your club membership will be assessed as follows:

- Individual memberships count as one member
  - Count all members included in the Family memberships
  - Add 3 bonus members for each member holding a WSWC Competitive License
- 
- 2 points for clubs with 4-19 members
  - 4 points for clubs with 20-40 members
  - 6 points for clubs with 41-60 members
  - 8 points for clubs with 61-80 members
  - 10 points for clubs with 81-100 members

CLUB EARNS \_\_\_\_\_ OUT OF A POSSIBLE 10 POINTS

### PART B: COACHING & OFFICIATING CERTIFICATION

1. Number of club members who obtained or upgraded a level of certification as either an official, judge and/or boat driver. Count two points per level of officiating certification attained per person.
2. Number of club members that obtained or upgraded a full level of coaching certification under the NCCP program. Count two points per level of coaching certification attained per person.

CLUB EARNS \_\_\_\_\_ OUT OF A POSSIBLE 20 POINTS

### PART C: HOSTING LEARN TO SKI & WAKEBOARD CLINICS & RECREATION TOURNAMENTS

1. *Number of WSWs Learn to Ski/Wakeboard Clinics hosted by the club. Count 4 points for each clinic day booked with the WSWs traveling coach and boat or with a club member in good standing who holds a minimum NCCP Learn to Level Coaching Certificate. Eligible clinic days must host no less than 6 participants and all participants must be reported to WSWs office in the Season End Club Report.*
2. *Number of WSWs recreation tournaments hosted by the club. Tournament dates must be clearly communicated to the WSWs office prior to the event and must be followed up with a list of those who attended and officiated at the event. This report forms part of the Season End Club Report. Count 2 points for each tournament.*

CLUB EARNS \_\_\_\_\_ OUT OF A POSSIBLE 20 POINTS

### PART D: PARTICIPATION AT PROVINCIALS

Number of club members that participate at provincials.

- 5 points for clubs with 1-3 participants
- 6 points for clubs with 4-6 participants
- 8 points for clubs with 7-10 participants
- 10 points for clubs with 10+ participants

CLUB EARNS \_\_\_\_\_ OUT OF A POSSIBLE 10 POINTS

**THIS CLUB EARNS A TOTAL OF \_\_\_\_\_ POINTS OUT OF A POSSIBLE 60 POINTS**

# APPENDIX C

MAP funds are to be used to support community and club-level sport development.

MAP funds are to be spent in the year that they are granted.

MAP funds must be acknowledged and publicly recognized as being received from the Saskatchewan Lotteries Trust fund for Sport, Culture and Recreation. This funding is derived from the proceeds of the sale of lottery tickets in Saskatchewan.

The following is a list of Expenses that could be submitted with the Financial Season End Report

<u>Athlete Development</u>	<u>Equipment</u>	<u>Operating Costs</u>
<ul style="list-style-type: none"> <li>• Coaching</li> <li>• Travel, room and meals to tournaments and competitions within Saskatchewan</li> </ul>	<ul style="list-style-type: none"> <li>• Purchase or lease of jump, slalom course or sliders</li> <li>• Purchase of water sport equipment, ropes, skis, boards</li> </ul>	<ul style="list-style-type: none"> <li>• Repairs to equipment</li> <li>• Boat Insurance for Club owned boat</li> <li>• Club Liability Insurance                             <ul style="list-style-type: none"> <li>• Admin Costs</li> <li>• Boat fuel</li> </ul> </li> </ul>

The following is a list of Ineligible Expenses

1. Any construction, upgrading, maintenance or operating costs of facilities.
2. Expenditures for which other grant dollars have been used. Two different grants can not be used to pay the same dollar of expense, whether the grant comes from the Trust Fund or any other granting agency.
3. Cash prizes.
4. Social events (BBQs, lunches)
5. Alcoholic Beverages.
6. Research Projects or feasibility studies
7. Out-of-Province Travel
8. Provincial or University CIS team expenses

### **13. GUIDELINES FOR CLUB REPORTS**

1. Clubs will be requested to provide the Executive of WSWs with an updated list of Executive names, addresses and phone numbers, as well as an indication of their total membership. This information must be submitted annually by September 30.
2. Clubs will be requested to complete an Annual Report of Activities at the conclusion of each towed water sports season. The report will include information on activities such as clinics and tournaments, competitions, publicity and special events.
3. The deadlines for submitting annual reports will be based on the timing of the Annual General Meeting for that year.

### **14. GUIDELINES FOR COACH AND MANAGER**

1. The coach and manager must represent Team Saskatchewan at all tournament meetings to allow for two votes per province (if applicable).
2. One of either coach/manager will be on site at all times while the tournament is in progress.
3. The coach and manager will ensure all Saskatchewan athletes are aware of the schedule of events, running order, details of coach/manager meetings, and any schedule changes for the tournament.
4. The coach and manager will ensure that each Saskatchewan athlete is well represented at all times throughout the tournament, ie. during ride disputes or any other interaction that may require assistance.
5. The coach/manager will ensure that alternate equipment/parts are available and ready for quick replacement during each event.
6. The coach will be in the boat for the entire event familiarization.
7. The manager will be on shore overseeing and maintaining running order as well as keeping track of time during event familiarization.
8. The coach is to ensure that each Saskatchewan athlete is provided with shore coaching during his/her event if requested.

9. The coach/manager will ensure that all Saskatchewan athletes have safe transportation to and from the tournament site and any tournament related events (only at tournaments where WSWs provides tournament transportation, ie. vans).
10. The coach/manager will ensure that each Saskatchewan athlete who is competing at the tournament, but cannot attend registration, is registered (athletes who can not attend registration must contact an WSWs Executive member to request pre-registration).
11. The coach/manager will ensure that all team members traveling with the team are properly registered.
12. The coach/manager will ensure that accommodations are adequate and available for each athlete who is traveling with the team.
13. The coach/manager will ensure that the WSWC code of conduct is adhered to at all times.
14. The coach and manager will not be held responsible for minors. Parents are encouraged to make arrangements for the supervision of their children.

## **15. GUIDELINES FOR PROVINCIAL CHAMPIONSHIPS SITE RENTAL**

1. The site must be capable of accommodating all registered WSWs disciplines (Jump, Wakeboarding, Slalom and Tricks).
2. Site must have a minimum interference with other water vehicles during the tournament.
3. Site must have power near the tournament area for calculating results. (Generators are acceptable).
4. Hosting body must submit their proposal 2 weeks prior to the AGM to the WSWs Executive for the tournament year. This proposal needs to include a financial budget for the tournament.

Additional advantages include:

- Site is well protected from predominant winds
- Site is free from 90 degree embankments (sharp shore edges cause backwash)
- Site has been surveyed and is accurate
- Site is equipped with an announcers booth and calculators quarters
- Hosting body organizes social functions and off water activities
- Hosting body promotes and advertises the tournament

## 16. CONCUSSION POLICY

### 1. What is a Sports Concussion?

According to the Consensus statement on Concussion in Sport: the 4th International Conference on Concussion in Sport, Zurich 2012, a Sports Concussion is a brain injury and is defined as a complex pathophysiological process affecting the brain, induced by traumatic biomechanical forces.

- Concussion may be caused either by a direct blow to the head, face, neck or elsewhere on the body with an “impulsive” force transmitted to the head.
- Concussion typically results in the rapid onset of short-lived impairment of neurological function that resolves spontaneously. However, in some cases, symptoms and signs may evolve over a number of minutes to hours.
- Concussion may result in neuropathological changes, but the acute clinical symptoms largely reflect a functional disturbance rather than structural injury.
- Concussion results in a graded set of clinical syndromes that may or may not involve loss of consciousness. Resolution of the clinical and cognitive symptoms typically follows a sequential course. However, it is important to note that in some cases symptoms may be prolonged.

### 2. Health Care Team

#### 1. Provincial Championships

Water Ski and Wakeboard provincial championships will utilize the following process to assess concussions that occur at the championships: Any athlete suspected of suffering a concussion will be asked to consult with a medical professional, and may be asked to cease participation in the event.

#### 2. Other Competitions and Practices

Coaches for WSWsask clinics have up to date First Aid, including education on concussion recognition and management. They are aware that participants who sustain a blow to the head or body may have suffered a concussion, and should be referred to a medical professional. WSWsask will rely on the athlete's health care professional for return to play clearance post-concussion.

#### 3. Concussion Prevention and Education

Information regarding concussion prevention and management is posted at [www.wswsask.ca](http://www.wswsask.ca). The athlete resources, listed above, will be sent to all Sask First team members and any interested members at the start of the season. Anyone interested in athlete resources is invited to email [wswsask@gmail.com](mailto:wswsask@gmail.com).

#### 4. Pre-Season Concussion Assessment

It is the expectation that any athletes participating in the Sask First and Grassroots programs with WSWsask complete the Health History form in Appendix A of this policy, and disclose any prior concussions. Any athletes with pre-existing medical conditions may be asked for further information from their health care professional prior to participation.

#### 5. Concussion Management during the season

##### 1. Recognize the Concussed Athlete

Coaches will be made aware of the forces that cause concussion in athletes, and be vigilant in recognizing signs and symptoms of concussion in an athlete who has suffered a blow to the head or body.

Any athlete suspected of suffering a concussion must be immediately removed during the competition or practice. The athlete will be monitored until a parent or guardian can be notified and care is transferred to them. Serial monitoring of the athlete is recommended as concussion can be an evolving injury that changes over the first 24-48 hours.

##### 2. Further Evaluation of the Concussed Athlete

Any athlete suspected of having a concussion should:

- Have an appointment with their physician for assessment and to begin the Return to Learn and Play Protocols.
- And/or have evaluation and treatment by a physiotherapist/ chiropractor/ athletic therapist if symptoms persist.
- Evaluation of the concussed athlete should include:
  - Mechanism of Injury
  - Concussion History and Modifiers
  - Symptoms
  - Neurological Exam
  - Mental Status
  - Cognitive Function
  - Gait
  - Balance
  - Vestibular
  - Cervical

### 3. Treatment of the Concussed Athlete

The first step in concussion management is symptom limited physical and cognitive rest.

- Physical Rest - no training or practice
- Cognitive Rest – removal from school or work

Under the advice of a medical professional, multimodal approach will be used in the symptom management and may include the following professionals or therapies:

- Medical Management
- Physiotherapy/Athletic Therapy
- Massage Therapy
- Chiropractic
- Vestibular Rehabilitation
- Cognitive Therapy

### 6. Return to Play and Learn Protocol

As the athlete's symptoms improve a graduated return to cognitive activities will be initiated under the supervision of a health care professional. This may include a gradual increase in tasks that require focus, attention and memory. Classroom learning may include partial attendance at school, a delay in assignments or exams, and other modifications in the learning environment. Upon improved cognitive function, the athlete will begin the return to play protocol. The athlete must receive medical clearance from their health care professional to begin the graduated return to play protocol. The athlete's progression through the protocol will be monitored by their health care professional. The final full return to play is a medical decision.

Date Adopted: September 21, 2016

### 7. Concussion Policy Appendix A

WSWSask Athlete Concussion History Form

Date Completed: \_\_\_\_\_

Name: \_\_\_\_\_

M/F: \_\_\_\_\_

Address: \_\_\_\_\_

PC: \_\_\_\_\_

Phone No. (Day): \_\_\_\_\_

Email: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

In case of Emergency Contact: \_\_\_\_\_

Relationship: \_\_\_\_\_

Phone (Day): \_\_\_\_\_

Phone (Night): \_\_\_\_\_

Concussion and Concussion Modifier History  
Have you ever had or do you have now

	Yes	No		Yes	No
Concussion	<input type="checkbox"/>	<input type="checkbox"/>	Learning disabilities	<input type="checkbox"/>	<input type="checkbox"/>
Migraines	<input type="checkbox"/>	<input type="checkbox"/>	ADHD	<input type="checkbox"/>	<input type="checkbox"/>
Neck/back problems	<input type="checkbox"/>	<input type="checkbox"/>	Motion Sickness	<input type="checkbox"/>	<input type="checkbox"/>
Fainting spells	<input type="checkbox"/>	<input type="checkbox"/>	Depression	<input type="checkbox"/>	<input type="checkbox"/>

Relevant medications \_\_\_\_\_

Signature of Parent/Guardian (If Athlete under 18 years): \_\_\_\_\_

Date Signed: \_\_\_\_\_

NOTE: Medical data is confidential. This card must be kept in the care of authorized personnel only.

## 17. GUIDELINES FOR EXECUTIVE BOARD

1. If an Executive Member misses three consecutive meetings without a valid reason, the board has the power to appoint someone else to this position.
2. If there is a vacancy in one of the Executive Board positions the remaining Executive Board has the authority to appoint someone to this position.
3. Guidelines for Minutes taking for WSWs Board Meetings

Minutes shall include: date and location of meeting, roll call, opening and closing times of the meeting, motions made, moved and carried by whom. Motions to be typed in bold lettering.

Circulation of Executive Board Meeting Minutes: Draft minutes to be completed by the assigned minute-taker then forwarded to all Board Members. The Board Members are to be given a deadline for responding with comments. After that deadline the Minutes are to be amended with any comments received and forwarded to all Executive Board Members, Auditor, Sask Sport representative and to be posted on the website.

4. The Executive Board members are the Officers of WSWs. It is composed of the following elected positions:
  - a) President
  - b) Vice President of Finance
  - c) Vice President of Sport for All
  - d) Vice President of High Performance
  - e) Past President
  - f) Vice President of Coaching and Officiating

The Board of Directors is composed of the Executive and the following elected positions:

- a) High Performance Waterski
- b) High Performance Wakeboard
- c) High Performance Adaptive
- d) Sport for All Waterski
- e) Sport for All Wakeboard
- f) Sport for All Adaptive

5. The duties of the President are to:
  - a) Promote all aspects of towed water sports in the Province
  - b) Be the chief executive officer of the Association
  - c) Call, preside over, and preserve order and decorum at all meetings of the Association, Executive and the Board Members
  - d) Sit as an ex-officio member of all WSWs committees
  - e) Enforce the Constitution and By-laws of the Association
  - f) Guide and supervise the operations of the Association ensuring that all orders and resolutions of the Board are effectively carried out.

- g) Perform such other functions/duties as are peculiar to the office of the President

6. President's absence

- a) In the event that the President is unable to attend a meeting of the Association, they shall designate a member of the Executive, not including the minute taker, to serve as chair of the meeting and brief the designated Executive member on the business to be conducted.
- b) In the event the President is unable to attend a meeting of the Association, and is further unable to designate a Chair, those present at the meeting shall elect one of the Executives to serve as Chair.
- c) All members of the Executive are of equal rank and status and no order of succession is stated or implied by the order in which the positions are listed in the By-laws.

7. Vice President of Finance shall report to the President and shall have responsibility for:

- a) Assisting with all Financial oversight of WSWS and assisting with calculations of MAP and Athletes Assistance Grants if asked.
- b) Assisting the President during his/her term of office
- c) Other such duties as, from time to time, assigned by the President

8. The Vice of President High Performance shall report to the President and shall have responsibility for:

- a) Promotion of all aspects of High Performance activities in the Province of Saskatchewan
- b) Maintain regular meetings with the High Performance board members, as well as assist them.
- c) Other such duties as, from time to time, assigned by the President

9. The Vice President of Sport For All shall report to the President and shall have responsibility for:

- a) Promotion of all Grassroots programs in the Province of Saskatchewan.
- b) Maintain regular meetings with the Sport For all board members.
- c) Other such duties as from time to time, assigned by the President.

10. The Vice President of Officiating and Coaching shall report to the President and shall have responsibility for:

- a. Promotion of coaching and officiating in the Province of Saskatchewan.
- b. Organize coaching and officiating clinics in the Province of Saskatchewan.

- c. Perform other such duties as, from time to time, assigned by the President.

11. The High Performance Waterski shall report to the VP High Performance and shall have responsibility for:

1. Assisting with organizing camps and training for Sask First Waterski athletes.
2. Selection of the Sask First Waterski Team.
3. Ensuring athletes are meeting team requirements.
4. Other such duties that are assigned by the VP of High Performance.

12. The High Performance Wakeboard shall report to the VP High Performance and shall have responsibility for:

1. Assisting with organizing camps and training for Sask First Wakeboard athletes.
2. Selection of the Sask First Wakeboard Team.
3. Ensuring athletes are meeting team requirements.
4. Other such duties that are assigned by the VP of High Performance.

13. The High Performance Adaptive shall report to the VP High of Performance and shall have responsibility for:

1. Assisting with organizing camps and training for Sask First Adaptive athletes.
2. Selection of the Sask First Adaptive Team.
3. Ensuring athletes are meeting team requirements.
4. Other such duties that are assigned by the VP of High Performance.

14. The Sport for All Waterski shall report to the VP of Sport for All and shall have responsibility for:

1. Development and promotion of Grassroots level waterskiing in the Province of Saskatchewan.
2. Assisting with Traveling Clinic duties.
3. Other such duties that are assigned by the VP of Sport for All.

15. The Sport for All Wakeboard shall report to the VP of Sport for All and shall have responsibility for:

1. Development and promotion of Grassroots level wakeboarding in the Province of Saskatchewan.
2. Assisting with Traveling Clinic duties.
3. Other such duties that are assigned by the VP of Sport for All.

16. The Sport for All Adaptive shall report to the VP of Sport for All and shall have responsibility for:

1. Development and promotion of Grassroots level adaptive skiing in the Province of Saskatchewan.
2. Assisting with Traveling Clinic duties.
3. Other such duties that are assigned by the VP of Sport for All.

Revised March 2018.

## **18. GUIDELINES MEDIA AND SOCIAL NETWORKING**

1. WSWoSask board members, coaches, volunteers, and staff must conduct themselves in a responsible manner understanding their position is one of public relations for WSWoSask. At no time will harassment be tolerated.
2. Social media, within this policy, is deemed to be any interactive web application used to provide public communication or collaboration and can include services such as: wikis, blogs, Facebook, YouTube, Twitter, Instagram and TikTok.
3. WSWoSask Guidelines and Reminders:
  1. What you post or say affects the WSWoSask association, its members, and its sponsors.
  2. WSWoSask sponsors are very important to the association. Do not advertise for other sponsors before checking with the board to ensure our sponsor relations are not being affected.
  3. Everything you post is public information – any text or photo placed online is completely out of your control the moment it is placed online – even if you limit access to your site. Information (including pictures, videos, and comments) may be accessible even after you remove them. Once you post a photo or comment on a social networking site, that photo or comment becomes the property of the site and may be searchable even after you remove it.
  4. Similar to comments made in person, WSWoSask will not tolerate disrespectful comments and behavior online, such as derogatory language or remarks that may harm WSWoSask members, sponsors, clinic participants, or partners. As well, incriminating photos or statements depicting violence; sexual harassment; full or partial nudity; inappropriate gestures; vandalism; stalking; underage drinking, selling, possessing, or using controlled substances; or any other inappropriate behavior (including the use of profanity) are prohibited.
4. If any WSWoSask board members, coaches, volunteers, or staff are found to be in violation of this policy, they may be removed.

Date Adopted: November 13, 2014

## **19. WATER SKI AND WAKEBOARD SASKATCHEWAN PRIVACY POLICY**

### **1. Our Privacy Commitment**

1. Water Ski and Wakeboard Saskatchewan (WSWS) is committed to keeping personal information accurate, confidential, secure and private.
2. Based on the Personal Information Protection and Electronic Documents Act (PIPEDA), this Policy describes how WSWS adheres to the ten principles of privacy set out in PIPEDA which are summarized in the attached Schedule "A." The Privacy Policy will outline the types of personal information we may collect from members, athletes and, where applicable, donors and customers, and explains how we may use it and disclose it to others. It will also outline the safeguards we implement to protect personal information and provide to members and donors the opportunity to access and correct personal information we have about them.
3. A copy of PIPEDA is available at the federal Privacy Officer's website at [www.privcom.gc.ca](http://www.privcom.gc.ca).

### **2. Information We Gather and Use – Collecting your Personal Information**

1. This policy only applies to your personal information that we collect or use in relation to a commercial activity of WSWS.
2. At WSWS we ask for your permission when we collect, use or disclose your personal information in the course of a commercial activity. Personal information is that which refers to you specifically and is collected in person, over the telephone or by corresponding with you via mail, facsimile, or over the internet.
3. When you request a service or membership from us, or participate in an athletic event sanctioned by us, we, or our affiliates, subsidiaries or related organizations, may, with your consent, collect personal information from you, which may include the following:
  1. name;
  2. mailing address;
  3. email address;
  4. telephone number;
4. contact numbers;
5. date of birth;
6. for competitions or awards, past competition results;
7. in certain instances, pertinent health information regarding athletes.
4. The following activities are examples of when WSWS may require the collection or use of
5. your personal information:
  1. collection of membership, registration or competition fees;
  2. organization of club activities;
  3. communicating with you about WSWS or related association or organization activities;
4. compiling member statistics;
5. compiling member, athlete or registration lists;
6. providing member, athlete or registration lists or member discipline or suspension reports or histories to Sask Sport Inc. or Water Ski and Wakeboard Canada;
7. mailing out member newsletters;
8. selling programs for competition, promotional, fundraising or other purposes;
9. participating in a dispute resolution process;
10. participating in a fundraising or planned giving programs;
11. communicating with members and athletes;
12. selling advertising in publications of WSWS that contain personal information about the member, a donor or athletes (for example, athlete statistics).
6. During the application process to become a WSWS member, or to renew your membership, or as a non-member, donor or athlete associated with WSWS, you may have provided us with written consent respecting the collection, use and disclosure of your personal information. This Privacy Policy is intended to supplement, and does not replace or modify any such written consent previously provided.

7. You have a choice whether to provide us with the personal information requested. In our operations, however, your decision to withhold particular details may limit the services, association or membership we are able to provide you. In some cases we may not be able to enter into a relationship with you.
8. WSWs maintains a contact history for each member, which is used primarily for service, collection and payment purposes. This information, however, is limited to internal use and restricted to our employees, agents and restricted volunteers.
9. The information we ask you to provide varies with the circumstances of your activity or the service you request such as:

**General Inquiry**

For general inquiries on our organization, you may need to provide limited information such as your name, contact address or contact number. This will allow us to contact you with regard to your interest in WSWs.

**WSWs Service**

You may need to contact WSWs to make an inquiry as to your standing as a member or your activities within the organization. In such instances, we will ask you to provide, at minimum, your name and residence.

**Athlete Participation**

We may be required to provide certain personal and statistical information regarding athletes for the purposes of competitions or rankings

We may use the personal information you provide to us to:

- communicate with you
- provide you with the information you have requested
- provide statistical information and results for competitions and events
- provide statistical information to governing bodies, Sask Sport Inc. and Water Ski and Wakeboard Canada, for purposes of membership reporting advertising or promotional activities

With your consent, we may also send you information about other activities in which we believe you would be interested. We want to assure you that we only use your personal information for the purposes that we have disclosed to you.

Most of the information we retain about you consists of your membership and competition record. We use transactional information to keep track of and report back to you in these areas, if requested.

**3. With Whom We May Share Your Information**

1. a) Related Associations and Organizations
2. WSWs and its employees and volunteers are all governed by our policies and procedures to ensure that your information is secure and treated with the utmost care and respect. To enable you to benefit from our full range of activities and benefits, we may share information with other WSWs affiliates or related organizations that perform services on our behalf or provide services to you.
3. b) Employees and Volunteers
4. In the course of daily operations, access to private, sensitive and confidential information is restricted to authorized employees or volunteers who have a legitimate purpose and reason for accessing it. For example, when you call or e-mail us, our designated employees will access your information to verify that you are the member and to process your requests.
5. As a condition of their employment or volunteer activities, all of our employees and volunteers are required to abide by the privacy standards we have established. WSWs educates our employees, agents and volunteers about the responsibilities of handling personal information. Unauthorized access to and/or disclosure of member information by an employee or volunteer of WSWs is strictly prohibited. All employees and volunteers are expected to maintain the confidentiality of personal information at all times and failing to do so could result in appropriate disciplinary measures, which may include dismissal or termination of volunteer activities.
6. c) Outside Service Suppliers

7. We sometimes contract outside organizations to perform specialized services, such as processing data, applying payments or facilitating mail-outs. Our service suppliers may at times process or handle some of the information we receive from you.
8. When we contract with our suppliers to provide specialized services, they are given only the information necessary to perform those services. Additionally, they are prohibited from storing, analyzing or using that information for purposes other than to carry out the service contracted with us to provide. Our suppliers are bound by contractual obligations designed to protect the privacy and security of your information. As part of our contract agreements, our suppliers and their employees are required to protect your information in a manner consistent with the privacy policies and practices that we have established.
9. d) Other
10. We do share personal information of our members in the following circumstances:
11. i) When required by law - There are some types of information that we are legally required to disclose. We may also be required to disclose information in connection with a legal proceeding or court order to authorities. Only the information specifically requested by legitimate authorities will be disclosed;
12. ii) When permitted by law - In certain other situations we may be required to disclose personal information, such as when returning a cheque due to insufficient funds or when dealing with a legal matter that concerns your membership or activities within WSWs;
13. iii) When disclosure is clearly in your best interests, as determined in the sole discretion of WSWs, and consent cannot be obtained in a timely manner;
14. iv) Where the information is considered to be in the public domain;
15. v) To collect a debt owed to WSWs; and
16. vi) In cases of emergency.
17. WSWs may disclose the following kind of personal information about you:
18. a) Information we receive from you on your application and other forms you submit to us or communications between us, including by writing, by telephone, by fax or by electronic format. This information includes, for example, your name, your address, and telephone number.
19. b) Information about your dealings and relationship with us and our related associations and organizations. For example, this information includes your membership status and athletic activities.
20. We may also disclose the same kind of personal information described above with respect to our former members.
4. **How we Safeguard your Information**
  1. At WSWs, we do our best to protect the privacy of our members. All of our databases are password protected and customer information is given to employees and restricted volunteers only to conduct their jobs or tasks.
5. **Internet Websites**
  1. We do not monitor individual use of our website at [www.wswsask.ca](http://www.wswsask.ca). We, or our internet designing company do however monitor activities on the website to improve its functionality. This information does not contain personal information, beyond what is needed for contact purposes, and is not permanently stored for future use.
6. **Verifying Your Information**
  1. At WSWs decisions that directly impact you are made based on the information we have about you. Therefore, it is important that your personal information is accurate and complete.
  2. As a member, athlete, donor or customer, you have the right to access, verify and amend your personal information held by us.
7. **Accessing your Personal Information**
  1. WSWs will provide a procedure for its members, athletes and non-member customers to view information held by WSWs and to report and quickly remedy inaccurate information. There are certain situations where WSWs may not provide an individual access to their personal information, including those instances where:
    - i) the information is prohibitively costly to provide;
    - ii) the information contains references to other individuals, including members, donors or non-member customers;

- iii) the information cannot be disclosed for legal, security or commercial proprietary reasons; and
- iv) the information is subject to solicitor-client or litigation privilege.

**8. Withdrawing Consent**

1. Upon becoming a member of WSWs, participating in activities arranged or sanctioned by us, you consent to our use, collection, verification and disclosure of your personal information in accordance with this Policy. You may at any time withdraw your consent for your personal information to be used for certain purposes. A withdrawal of consent must be in writing and must be sent to us via registered mail to the address WSWsask 202-1630 Quebec Ave. Saskatoon, SK S7K 1V7. If your consent is withdrawn, this may restrict our ability to assist you or to extend membership privileges and we may not be able to provide you with all of our benefits, products and services.

**9. In Summary**

1. We take our responsibility to respect and protect the confidentiality of your personal information very seriously. For more information about our commitment to protect the privacy and confidentiality of your personal information or to express any concerns you may have, please write to:

Date Adopted: March 2012

**1. Schedule "A" to Water Ski and Wakeboard Saskatchewan Privacy Policy**

**Principle 1 -- Accountability**

An organization is responsible for personal information under its control and shall designate an individual or individuals who are accountable for the organization's compliance with the following principles.

**Principle 2 -- Identifying Purposes**

The purposes for which personal information is collected shall be identified by the organization at or before the time the information is collected.

**Principle 3 -- Consent**

The knowledge and consent of the individual are required for the collection, use, or disclosure of personal information, except where inappropriate.

**Principle 4 -- Limiting Collection**

The collection of personal information shall be limited to that which is necessary for the purposes identified by the organization. Information shall be collected by fair and lawful means.

**Principle 5 -- Limiting Use, Disclosure, and Retention**

Personal information shall not be used or disclosed for purposes other than those for which it was collected, except with the consent of the individual or as required by law. Personal information shall be retained only as long as necessary for the fulfillment of those purposes.

**Principle 6 -- Accuracy**

Personal information shall be as accurate, complete, and up-to-date as is necessary for the purposes for which it is to be used.

**Principle 7 -- Safeguards**

Personal information shall be protected by security safeguards appropriate to the sensitivity of the information.

**Principle 8 -- Openness**

An organization shall make readily available to individuals specific information about its policies and practices relating to the management of personal information.

**Principle 9 -- Individual Access**

Upon request, an individual shall be informed of the existence, use, and disclosure of his or her personal information and shall be given access to that information. An individual shall be able to challenge the accuracy and completeness of the information and have it amended as appropriate.

**Principle 10 -- Challenging Compliance**

An individual shall be able to address a challenge concerning compliance with the above principles to the designated individual or individuals accountable for the organization's compliance.

## 20. Code of Conduct – As presented by Sask Sport

### Definitions

1. The following terms have these meanings in this Code:
  - a. “Association” – **Water Ski and Wakeboard Saskatchewan Inc.**
  - b. “Individuals” – All categories of membership defined in the Association’s Bylaws, as well as all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
  - c. “Harassment” – Behaviour that constitutes harassment is defined in Section 7(b)
  - d. “Workplace Harassment or Workplace Violence” – Behaviour that constitutes workplace harassment and workplace violence is defined in Section 7(c)
  - e. “Sexual harassment” – Behaviour that constitutes sexual harassment and workplace violence is defined in Section 7(d)

### Purpose

2. The purpose of this Code is to ensure a safe and positive environment by making Individuals aware that there is an expectation of appropriate behaviour consistent with this Code. The Association supports equal opportunity, prohibits discriminatory practices, and is committed to providing an environment in which all individuals are treated with respect and fairness.

### Application of this Code

3. This Code applies to Individuals’ conduct during the Association’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with the Association’s activities, the Association’s office environment, and any meetings.
4. This Code also applies to Individuals’ conduct outside of the Association’s business, activities, and events when such conduct adversely affects relationships within the Association and/or its Members (and its work and sport environment) and is detrimental to the image and reputation of the Association. Such jurisdiction will be determined by the Association at its sole discretion.
5. An Individual who violates this Code may be subject to sanctions pursuant to the Association’s *Discipline and Complaints Policy*.
6. An employee of the Association found to have breached this Code will be subject to appropriate disciplinary action subject to the terms of the Association’s Human Resources Policy, as well as the employee’s Employment Agreement, as applicable. Violations could result in a warning, reprimand, access restrictions, suspension and other disciplinary actions up to and including termination of employment/contract.

### Responsibilities

7. Individuals have a responsibility to:
  - a. Maintain and enhance the dignity and self-esteem of the Association members and other individuals by:
    - i. Demonstrating respect to individuals regardless of body type, physical characteristics, athletic ability, age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status, gender identity, gender expression, sex, and sexual orientation

- ii. Focusing comments or criticism appropriately and avoiding public criticism of Individual or the Association
- iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct
- iv. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory
- v. Consistently treating individuals fairly and reasonably
- vi. Ensuring adherence to the rules of the sport and the spirit of those rules

- b. Refrain from any behaviour that constitutes **harassment**. Types of behaviour that constitute harassment include, but are not limited to:
  - 1. Written or verbal abuse, threats, or outbursts
  - 2. The display of visual material which is offensive or which one ought to know is offensive
  - 3. Unwelcome remarks, jokes, comments, innuendo, or taunts
  - 4. Leering or other suggestive or obscene gestures
  - 5. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions
  - 6. Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance
  - 7. Any form of hazing
  - 8. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing
  - 9. Unwelcome sexual flirtations, advances, requests, or invitations
  - 10. Physical or sexual assault
  - 11. Behaviours such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment
  - 12. Retaliation or threats of retaliation against an individual who reports harassment
- c. Refrain from any behaviour that constitutes **Workplace Harassment or Workplace Violence**, where workplace harassment is defined as conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome; and where workplace violence is defined as the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker. Workplace matters should not be confused with legitimate, reasonable management actions that are part of the normal work function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan, or imposing discipline for workplace infractions. Types of behaviour that constitute workplace harassment or workplace violent include, but are not limited to:

*Workplace Harassment*

- i. Bullying
- ii. Repeated offensive or intimidating phone calls or emails
- iii. Inappropriate touching, advances, suggestions or requests
- iv. Displaying or circulating offensive pictures, photographs or materials
- v. Psychological abuse
- vi. Discrimination
- vii. Intimidating words or conduct (offensive jokes or innuendos)
- viii. Words or actions which are known or should reasonably be known to be offensive, embarrassing, humiliating, or demeaning

*Workplace Violence*

- ix. Verbal threats to attack a worker
- x. Sending to or leaving threatening notes or emails
- xi. Making threatening physical gestures
- xii. Wielding a weapon
- xiii. Hitting, pinching or unwanted touching which is not accidental
- xiv. Blocking normal movement or physical interference, with or without the use of equipment
- xv. Sexual violence
- xvi. Any attempt to engage in the type of conduct outlined above

- d. Refrain from any behaviour that constitutes **Sexual Harassment**, where sexual harassment is defined as unwelcome sexual comments and sexual advances, requests for sexual favours, or conduct of a sexual nature. Types of behaviour that constitute sexual harassment include, but are not limited to:

- i. Sexist jokes
- ii. Display of sexually offensive material
- iii. Sexually degrading words used to describe a person
- iv. Inquiries or comments about a person's sex life
- v. Unwelcome sexual flirtations, advances, or propositions
- vi. Persistent unwanted contact

- e. Abstain from the non-medical use of drugs or the use of performance-enhancing drugs or methods. More specifically, the Association adopts and adheres to the Canadian Anti-Doping Program. The Association will respect any penalty enacted pursuant to a breach of the Canadian Anti-Doping Program, whether imposed by the Association or any other sport Association

- f. Refrain from associating with any person for the purpose of coaching, training, competition, instruction, administration, management, athletic development, or supervision of the sport, who has incurred an anti-doping rule violation and is serving a sanction involving a period of ineligibility imposed pursuant to the Canadian Anti-Doping Program and/or the World Anti-Doping Code and recognized by the Canadian Centre for Ethics in Sport (CCES)

- g. Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities

- h. Refrain from consuming alcohol, tobacco products, or recreational drugs while participating in Association programs, activities, competitions, or events. In the case of adults, avoid consuming alcohol in situations where minors are present and take reasonable steps to manage the responsible consumption of alcohol in adult-oriented social situations associated with the Association's events

- i. Respect the property of others and not wilfully cause damage

- j. **Adhere to all federal, provincial, municipal and host country laws**

- k. Comply, at all times, with the Association's bylaws, policies, procedures, and rules and regulations, as adopted and amended from time to time
  
- l. When driving a vehicle with an Individual:
  - 1. Not have his or her license suspended
  - 2. Be under the influence of alcohol, illegal drugs or substances
  - 3. Have valid car insurance
  
- m. Refrain from engaging in deliberate cheating which is intended to manipulate the outcome of a competition and/or not offer or receive any bribe which is intended to manipulate the outcome of a competition.

### **Board/Committee Members**

8. In addition to section 7 (above), Association's Directors and Committee Members will have additional responsibilities to:
- a. Function primarily as a member of the board and/or committee(s) of Association; not as a member of any other particular member or constituency
  - b. Act with honesty and integrity and conduct themselves in a manner consistent with the nature and responsibilities of the Association's business and the maintenance of Individuals' confidence
  - c. Ensure that the Association's financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities
  - d. Conduct themselves openly, professionally, lawfully and in good faith in the best interests of Association
  - e. Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism
  - f. Behave with decorum appropriate to both circumstance and position
  - g. Keep informed about the Association's activities, the provincial sport community, and general trends in the sectors in which they operate
  - h. Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to the laws under which the Association is incorporated
  - i. Respect the confidentiality appropriate to issues of a sensitive nature
  - j. Respect the decisions of the majority and resign if unable to do so
  - k. Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings
  - l. Have a thorough knowledge and understanding of all Association governance documents
  - m. Conform to the bylaws and policies approved by Association

### **Coaches**

9. In addition to section 7 (above), coaches have many additional responsibilities. The coach-athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the athlete. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, consciously or unconsciously. Coaches will:
- a. Ensure a safe environment by selecting activities and establishing controls that are suitable for the age, experience, ability, and fitness level of the involved athletes

- b. Prepare athletes systematically and progressively, using appropriate time frames and monitoring physical and psychological adjustments while refraining from using training methods or techniques that may harm athletes
- c. Avoid compromising the present and future health of athletes by communicating and cooperating with sport medicine professionals in the diagnosis, treatment, and management of athletes' medical and psychological treatments
- d. Accept and promote athletes' personal goals and refer athletes to other coaches and sports specialists as appropriate
- e. Support the coaching staff of a training camp, provincial team, or national team; should an athlete qualify for participation with one of these programs
- f. Provide athletes (and the parents/guardians of minor athletes) with the information necessary to be involved in the decisions that affect the athlete
- g. Act in the best interest of the athlete's development as a whole person
- h. Comply with the Association's *Screening Policy, if applicable*.
- i. Report to the Association any ongoing criminal investigation, conviction, or existing bail conditions, including those for violence, child pornography, or possession, use, or sale of any illegal substance
- j. Under no circumstances provide, promote, or condone the use of drugs (other than properly prescribed medications) or performance-enhancing substances and, in the case of minors, alcohol and/or tobacco
- k. Respect athletes playing with other teams and, in dealings with them, not encroach upon topics or actions which are deemed to be within the realm of 'coaching', unless after first receiving approval from the coaches who are responsible for the athletes
- l. Dress professionally, neatly, and inoffensively
- m. Use inoffensive language, taking into account the audience being addressed
- n. Recognize the power inherent in the position of coach and respect and promote the rights of all participants in sport. This is accomplished by establishing and following procedures for confidentiality (right to privacy), informed participation, and fair and reasonable treatment. Coaches have a special responsibility to respect and promote the rights of participants who are in a vulnerable or dependent position and less able to protect their own rights
- o. Not engage in a sexual relationship with an athlete under 18 years old, or an intimate or sexual relationship with an athlete over the age of 18 if the coach is in a position of power, trust, or authority over the athlete
- p. Refrain from using their power or authority to coerce another person to engage in or tolerate sexual or harmful activities.
- q. Refrain from conduct that causes physical or emotional harm to Individuals
- r. Prevent the use of power or authority in an attempt, successful or not, to coerce another person to engage in or tolerate sexual activity.

## **Athletes**

10. In addition to section 7 (above), athletes will have additional responsibilities to:

- a. Report any medical problems in a timely fashion, when such problems may limit their ability to travel, practice, or compete; or in the case of carded athletes, interfere with the athlete's ability to fulfill their carded athlete requirements
- b. Participate and appear on-time, well-nourished, and prepared to participate to their best abilities in all competitions, practices, training sessions, tryouts, tournaments, and events
- c. Properly represent themselves and not attempt to participate in a competition for which they are not eligible by reason of age, classification, or other reason
- d. Adhere to the Association's rules and requirements regarding clothing and equipment
- e. Act in a sportsmanlike manner and not display appearances of violence, foul language, or gestures to other athletes, officials, coaches, or spectators

- f. Dress in a manner representative of the Association; focusing on neatness, cleanliness, and discretion
- g. Act in accordance with the Association's policies and procedures and, when applicable, additional rules as outlined by coaches or managers

### **Officials**

- 11. In addition to section 7 (above), officials will have additional responsibilities to:
  - a. Maintain and update their knowledge of the rules and rules changes
  - b. Work within the boundaries of their position's description while supporting the work of other officials
  - c. Act as an ambassador of the Association by agreeing to enforce and abide by national and provincial rules and regulations
  - d. Take ownership of actions and decisions made while officiating
  - e. Respect the rights, dignity, and worth of all individuals
  - f. Not publicly criticize other officials or any club or the Association
  - g. Act openly, impartially, professionally, lawfully, and in good faith
  - h. Be fair, equitable, considerate, independent, honest, and impartial in all dealings
  - i. Respect the confidentiality required by issues of a sensitive nature, which may include ejections, defaults, forfeits, discipline processes, appeals, and specific information or data about Individuals
  - j. Honour all assignments unless unable to do so by virtue of illness or personal emergency, and in these cases inform the assignor or the Association at the earliest possible time
  - k. When writing reports, set out the true facts
  - l. Dress in proper attire for officiating

### **Parents/Guardians and Spectators**

- 12. In addition to paragraph 7 above, Parents/Guardians and Spectators at events will:
  - a. Encourage athletes to play by the rules and to resolve conflicts without resorting to hostility or violence
  - b. Condemn the use of violence in any form
  - c. Never ridicule a participant for making a mistake during a performance or practice
  - d. Provide positive comments that motivate and encourage participants continued effort
  - e. Respect the decisions and judgments of officials, and encourage athletes to do the same. Feedback on competition performances is provided by officials only to the coaching staff, so parents are encouraged to discuss any questions with your athletes coach
  - f. Recognize that officials, executives and staff act in good faith, and in the best interests of the athletes and sport as a whole.
  - g. Respect the decisions and judgments of officials, and encourage athletes to do the same
  - h. Never question an officials' or staffs' judgment or honesty
  - i. Support all efforts to remove verbal and physical abuse, coercion, intimidation and sarcasm
  - j. Respect and show appreciation to all competitors, and to the coaches, officials and other volunteers
  - k. Refrain from the use of bad language, nor harass competitors, coaches, officials, parents/guardians or other spectators

Date Adopted: \_\_ March 20, 2016 \_\_

## 21. Conflict of Interest Policy

### Definitions

1. The following terms have these meanings in this Policy:
  1. “Association” – [Water Ski and Wakeboard Saskatchewan Inc.](#)
  2. “Conflict of Interest” – Any situation in which an Individual’s decision-making, which should always be in the best interests of the Association, is influenced or could be influenced by personal, family, financial, business, or other private interests.
  3. “Individuals” – All categories of membership defined in the Association’s Bylaws, as well as all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
  4. “In writing”- A letter, fax or email sent directly to the Association.
  5. “Pecuniary Interest” - An interest that an individual may have in a matter because of the reasonable likelihood or expectation of financial gain or loss for that individual, or another person with whom that individual is associated.
  6. “Non-Pecuniary Interest” - An interest that an individual may have in a matter which may involve family relationships, friendships, volunteer positions or other interests that do not involve the potential for financial gain or loss.

### Background

2. Individuals who act on behalf of an organization have a duty first to that organization and second to any personal stake they have in the operations of the Association. For example, in not-for-profit organizations, Directors are required, by law, to act as a trustee (in good faith, or in trust) of the Association. Directors, and other stakeholders, must not put themselves in positions where making a decision on behalf of the Association is connected to their own “pecuniary” or “non-pecuniary” interests. That would be a conflict of interest situation.

### Purpose

3. The Association strives to reduce and eliminate nearly all instances of conflict of interest at the Association – by being aware, prudent, and forthcoming about the potential conflicts. This Policy describes how Individuals will conduct themselves in matters relating to conflict of interest, and will clarify how Individuals shall make decisions in situations where conflict of interest may exist.
4. This Policy applies to all Individuals.

### Obligations

5. Any real or perceived conflict of interest, whether pecuniary or non-pecuniary, between an Individual’s personal interest and the interests of the Association, shall always be resolved in favour of the Association.
6. Individuals will not:
  - a. Engage in any business or transaction, or have a financial or other personal interest, that is incompatible with their official duties with the Association, unless such business, transaction, or other interest is properly disclosed to the Association and approved by the Association.

- b. Knowingly place themselves in a position where they are under obligation to any person who might benefit from special consideration or who might seek preferential treatment.
- c. In the performance of their official duties, give preferential treatment to family members, friends, colleagues, or organizations in which their family members, friends, or colleagues have an interest, financial or otherwise.
- d. Derive personal benefit from information that they have acquired during the course of fulfilling their official duties with the Association, if such information is confidential or not generally available to the public.
- e. Engage in any outside work, activity, or business or professional undertaking that conflicts or appears to conflict with their official duties as a representative of the Association, or in which they have an advantage or appear to have an advantage on the basis of their association with the Association.
- f. Without the permission of the Association, use the Association's property, equipment, supplies, or services for activities not associated with the performance of their official duties with the Association.
- g. Place themselves in positions where they could, by virtue of being an Association Individual, influence decisions or contracts from which they could derive any direct or indirect benefit.
- h. Accept any gift or favour that could be construed as being given in anticipation of, or in recognition for, any special consideration granted by virtue of being an Association Individual.

### **Disclosure of Conflict of Interest**

7. On an annual basis, all the Association's Directors, Officers, Employees, and Committee Members will complete a **Declaration Form** disclosing any real or perceived conflicts that they might have. Declaration Forms shall be retained by the Association.

8. Individuals shall disclose real or perceived conflicts of interest to the Association's Board immediately upon becoming aware that a conflict of interest may exist.

9. Individuals shall also disclose any and all affiliations with any and all other organizations involved with the same sport. These affiliations include any of the following roles: athlete, coach, manager, official, employee, volunteer, officer or director.

### **Minimizing Conflicts of Interest in Decision-Making**

10. Decisions or transactions that involve a conflict of interest that has been proactively disclosed by an Individual will be considered and decided with the following additional provisions:

- a. The nature and extent of the Individual's interest has been fully disclosed to the body that is considering or making the decision, and this disclosure is recorded or noted.
- b. The Individual does not participate in discussion on the matter.
- c. The Individual abstains from voting on the decision.
- d. For board-level decisions, the Individual does not count toward quorum.
- e. The decision is confirmed to be in the best interests of the Association.

11. For potential conflicts of interest involving employees, the Association's Board will determine whether there is there a conflict and, if one exists, the employee will resolve the conflict by ceasing the activity giving rise to the conflict. The Association will not restrict employees from accepting other employment contracts or volunteer appointments provided these activities do not diminish the employee's ability to perform the work described in the employee's job agreement with the Association or give rise to a conflict of interest.

### **Conflict of Interest Complaints**

12. Any person who believes that an Individual may be in a conflict of interest situation should report the matter, in writing (or verbally if during a meeting of the Board or any committee), to the Association's Board who will as quickly as possible decide appropriate measures to eliminate the conflict. (See address in section entitled - Complaints)

13. The Association's Board decision as to whether or not a conflict of interest exists will be governed by the following procedures:

- a. Copies of any written documents to be considered by the Board will be provided to the Individual who may be in a conflict of interest situation
- b. The Individual who may be in a conflict of interest situation will be provided an opportunity to address the Association's Board orally or if granted such right by the Association's Board, in writing
- c. The decision will be by a majority vote of the Association's Board

14. If the Individual acknowledges the conflict of interest, the Individual may waive the right to be heard, in which case the Association's Board will determine the appropriate sanction.

#### **Decision**

15. After hearing and/or reviewing the matter, the Association's Board will determine whether a conflict of interest exists and, if so, the sanctions to be imposed.

#### **Sanctions**

16. The Board may apply the following actions singly or in combination for real or perceived conflicts of interest:

- a. Removal or temporary suspension of certain responsibilities or decision-making authority.
- b. Removal or temporary suspension from a designated position.
- c. Removal or temporary suspension from certain teams, events and/or activities.
- d. Expulsion from the Association.
- e. Other actions as may be considered appropriate for the real or perceived conflict of interest.

17. Any person who believes that an Individual has made a decision that was influenced by real or perceived conflict of interest may submit a complaint, in writing, to the Association to be addressed under the Association's *Discipline and Complaints Policy*.

18. Failure to comply with an action as determined by the Board will result in automatic suspension from the Association until compliance occurs.

19. The Board may determine that an alleged real or perceived conflict of interest is of such seriousness as to warrant suspension of designated activities pending a meeting and a decision of the Board.

#### **Enforcement**

**20. Failure to adhere to this Policy may permit discipline in accordance with the Association's Discipline and Complaints Policy.**

**Conflict of Interest - Declaration Form**

I have read the Association's *Conflict of Interest Policy*, I agree to be bound by the obligations contained therein, and I commit to avoid any real or perceived conflict of interest. I also commit to disclosing the existence of any real or perceived conflict of interest to the Board, as soon as it is known to me.

I declare the following interests which may represent a potential conflicting interest:


_____	_____	_____
Name	Signature	Date

Date Adopted: \_\_March 20, 2016\_\_

## 22. Discipline and Complaints Policy – As presented by Sask Sport

### Definitions

1. The following terms have these meanings in this Policy:

- a. “Association” – **Water Ski and Wakeboard Saskatchewan Inc.**
- b. “Case Manager” – An individual appointed by the Association, who need not be a member or affiliated with the Association, to administer this Discipline and Complaints Policy. The Case Manager will comply with the position description described in Appendix “A”.
- c. “Complainant” – The Party alleging an infraction
- d. “Days” – Days including weekend and holidays
- e. “Individuals” – All categories of membership defined in the Association’s Bylaws, including clubs, teams, as well as all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
- f. “In writing” – A letter, fax or email sent directly to the Association.
- g. “Respondent” – The alleged infracting Party

### Purpose

2. Individuals and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Association’s policies, bylaws, rules and regulations, and *Codes of Conduct*. Non-compliance may result in sanctions pursuant to this Policy.

### Application of this Policy

3. This Policy applies to all Individuals relating to matters that may arise during the course of Association’s business, activities, and events including, but not limited to, competitions, practices, tryouts, training camps, travel associated with Association activities, and any meetings.

4. This Policies also applies to Individuals’ conduct outside of the Association’s business, activities, and events when such conduct adversely affects relationships within the Association (its work and/or sport environment) or is detrimental to the image and reputation of the Association. The jurisdiction of this Policy will be determined by the Association at its sole discretion.

5. This Policy does not prevent discipline from being applied, during a competition or event. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity or event only.

6. An employee of the Association found to have to be a Respondent will be subject to appropriate disciplinary action subject to the terms of the Association’s *Human Resources Policy*, as well as the employee’s Employment Agreement, as applicable. Violations may result in a warning, reprimand, restrictions, suspension or other disciplinary actions up to and including termination of employment.

### Reporting a Complaint

7. Any Individual may report any complaint to the Association. A complaint must be In Writing and must be filed within 21 days of the alleged incident. Complaints should be submitted to:

President, WSWsask  
202-1630 Quebec Ave. Saskatoon, SK S7K 1V7  
or email to: [wswsask@gmail.com](mailto:wswsask@gmail.com)

8. A Complainant wishing to file a complaint outside of the 21 days must provide a written statement giving reasons for an exemption to this limitation. The decision to accept or deny the complaint outside of the 21 days will be at the sole discretion of the Case Manager. This decision may not be appealed.

9. At the Association's discretion, the Association may act as the complainant and initiate the complaint process under the terms of this Policy. In such cases, the Association will identify an individual to represent the Association.

10. Resignation or lapsing of membership after a complaint is filed does not preclude disciplinary proceedings being pursued under this policy.

11. Upon receiving a complaint, the Association will review the complaint to determine validity and required next steps.

### **Case Manager**

12. Upon the receipt and review of a complaint, the Association may appoint or request the appointment of an independent Case Manager to manage and administer complaints submitted in accordance with this Policy and such appointment is not appealable. Case Manager services will be accessible through Sask Sport from an external firm or pool of individuals with knowledge and expertise in dispute resolution.

13. The Case Manager has a responsibility to:
- Determine whether the complaint is within the jurisdiction of this Policy or frivolous
  - Propose the use of the Association's Alternate Dispute Resolution Policy
  - Appoint the Discipline Panel, if necessary
  - Coordinate all administrative aspects and set timelines
  - Provide administrative assistance and logistical support to the Panel as required
  - Provide any other service or support that may be necessary to ensure a fair and timely proceeding.

### *Procedures*

14. If the Case Manager determines the complaint is:
- Frivolous or outside the jurisdiction of this Policy, the complaint will be dismissed immediately.
  - Not frivolous and within the jurisdiction of this Policy, the Case Manager will notify the Parties the complaint is accepted and the applicable next steps.

15. The Case Manager's decision to accept or dismiss the complaint may not be appealed.

16. The Case Manager will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion.

**17. After notifying the Parties that the complaint has been accepted, the Case Manager will first, propose the Association's Alternate Dispute Resolution Policy with the objective of resolving the dispute. If the dispute is not resolved or the parties refuse the Alternate Dispute Resolution Policy, the Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.**

**18. The Case Manager, in cooperation with the Discipline Panel, will then decide the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing, which may involve direct communications with the Parties, an oral in-person hearing, an oral hearing by telephone or other telecommunications, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Discipline Panel deem appropriate in the circumstances, provided that:**

- a. The Parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing, an oral hearing by telephone or other telecommunications
- b. Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties, through the Case Manager, in advance of the hearing and/or decision rendered
- c. The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
- d. The Discipline Panel may request that any other individual participate and give evidence at the hearing
- e. The Discipline Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
- f. The decision will be by a majority vote of the Discipline Panel

19. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Discipline Panel will determine the appropriate disciplinary sanction. The Discipline Panel may still hold a hearing for the purpose of determining an appropriate sanction.

**20. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.**

**21. If a decision affects a 3<sup>rd</sup> party to the extent that the 3<sup>rd</sup> party would have recourse to a complaint or an appeal in their own right, that 3<sup>rd</sup> party will become a party and apart of the complaint procedure to the complaint in question and will be bound by the decision.**

22. ***In fulfilling its duties, the Panel may obtain independent advice.***

### **Decision**

23. After hearing and/or reviewing the matter, the Discipline Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Discipline Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Association. In extraordinary circumstances, the Discipline Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Discipline Panel.

### **Sanctions**

24. The Panel may apply the following disciplinary sanctions, singularly or in combination:

- a. Verbal or written reprimand
- b. Verbal or written apology
- c. Service or other contribution to the Association
- d. Removal of certain privileges
- e. Suspension from certain teams, events, and/or activities
- f. Suspension from all Association activities for a designated period of time
- g. Withholding of prize money or awards
- h. Payment of the cost of repairs for property damage
- i. Suspension of funding from the Association or from other sources
- j. Expulsion from the Association
- k. Any other sanction considered appropriate for the offense

25. Unless the Discipline Panel decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Panel will result in automatic suspension until such time as compliance occurs.

26. Infractions that result in discipline will be recorded and records will be maintained by the Association.

### **Suspension Pending a Hearing**

27. The Association may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of the criminal process, a hearing or a decision of the Panel.

### **Criminal Convictions**

28. An Individual's conviction for a *Criminal Code* offense, as determined by the Association, will be deemed an infraction under this Policy and will result in expulsion from the Association. Criminal Code offenses may include, but are not limited to:

- a. Any child pornography offences
- b. Any sexual offences
- c. Any offense of physical violence
- d. Any offense of assault
- e. Any offense involving trafficking of illegal drugs

## **Confidentiality**

29. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Discipline Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

## **Timelines**

30. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Discipline Panel may direct that these timelines be revised.

## **Records and Distribution of Decisions**

31. Other individuals or organizations, including but not limited to, national sport organizations, provincial sport organizations, Sask Sport Inc., etc., may be advised of any decisions rendered in accordance with this Policy.

## **Appeals Procedure**

32. The decision of the Panel may be appealed in accordance with the Association's *Appeal Policy*.

# **Appendix A**

## **CASE MANAGER POSITION DESCRIPTION**

### **Purpose**

1. In some of its policies, the Association requires the appointment of a Case Manager. This Position Description outlines the role, identity, responsibilities and tasks of the Case Manager.

### **Policies**

2. The following Policies require the appointment of a Case Manager:
  - a. Discipline and Complaints
  - b. Appeal
  - c. Alternate Dispute Resolution Policy

### **Identity**

3. The Case Manager, whether or not appointed by the Association at its sole discretion, should be experienced with the management of disputes in an unbiased manner. The individual should not be connected in any way to the issue being disputed (and/or the outcome of the dispute) but does not necessarily need to be an independent third-party not connected with the Association – though the guaranteed independence and neutrality of a third-party is preferred. The individual does not need to be a Member of the Association.

4. The Case Manager's identity does not need to be approved by any of the parties involved in the dispute, excluding the Association.

### **Discretion - Complaints**

5. When a complaint is filed, the Case Manager is required to:

- a. Determine whether the complaint is frivolous and within the jurisdiction of the Discipline and Complaints Policy
- b. Propose the use of the Association's Alternate Dispute Resolution Policy
- c. Appoint the Panel, if necessary
- d. Coordinate all administrative aspects and set timelines
- e. Provide administrative assistance and logistical support to the Panel as required
- f. Provide any other service or support that may be necessary to ensure a fair and timely proceeding

#### **Discretion - Appeals**

**6. *When an appeal is filed, the Case Manager is required to:***

- a. Propose the use of the Association's Alternate Dispute Resolution Policy
- b. *Determine if the appeal falls under the scope of the Appeal Policy***
- c. *Determine if the appeal was submitted in a timely manner***
- d. *Decide whether there are sufficient grounds for the appeal***
- e. Appoint the Panel, if necessary
- f. Coordinate all administrative aspects and set timelines
- g. Provide administrative assistance and logistical support to the Panel as required
- h. Provide any other service or support that may be necessary to ensure a fair and timely proceeding

**7. *When determining if there are sufficient grounds for appeal, the Case Manager is not acting as the Panel and determining the merits of the appeal, but instead determining whether the Appellant has properly shown that an error, as described in the Appeal Policy, has been properly argued. The Case Manager will need to carefully consult the Association's policies and procedures, and analyze the process that contributed to the decision, to determine whether there are appropriate grounds.***

#### **Discretion – Alternate Dispute Resolution**

**8. *When the parties agree to the jurisdiction of the Alternate Dispute Resolution Policy, the Case Manager may be required to:***

- a. Appoint the mediator or facilitator
- b. Coordinate all administrative aspects and set timelines
- c. Provide administrative assistance and logistical support to the mediator or facilitator as required

#### **Hearing Format - Discretion**

9. If necessary, the Case Manager is required to exercise their discretion to determine the format of the hearing. Hearings typically take the following forms, but are not limited to:

- a. In person
- b. Conference call
- c. Written submissions
- d. Conference call plus written submissions

10. In determining the format of the hearing the Case Manager should consider:

- a. The distance between the parties

- b. The animosity between the parties
- c. The time commitment and location of the Panel
- d. The timelines for a decision
- e. The language barriers between the parties
- f. The gravity of the complaint/appeal

#### *Panel Appointment*

**11. The Case Manager is required to appoint a Panel of one person, or three in extraordinary circumstances, to decide the issue. The individual(s) should have the following characteristics:**

- a. **Experience in dispute resolution**
- b. **Experience with sport disputes**
- c. **No connection to either party**
- d. **Preferably no connection with the Parties**
- e. **Decisive**

**12. The Case Manager should remind the Panel to adhere to the powers given to the Panel by the applicable policy. For example, if the policy does not permit the Panel to suspend the respondent indefinitely, then the Panel cannot sanction the respondent in this manner.**

#### *Communication*

**13. Especially when the hearing is to be held by written submissions, the Case Manager is required to communicate swiftly, clearly, and decisively with each party. The parties must adhere to the deadlines set by the Case Manager or by the applicable policy and the process must move forward even if a party misses a deadline.**

**14. When coordinating an oral hearing, the Case Manager should first consider the schedule of the Panel, then the schedule of the complainant, and then the schedule of the respondent in an attempt to find a suitable time for everyone.**

#### *Suggested Procedure*

**15. The Case Manager may implement the following procedure to facilitate the Discipline and Complaints Policy or the Appeal Policy:**

- a. **Receive the written complaint or appeal**
- b. **Communicate with the Complainant/Appellant that you have been appointed the Case Manager and that their complaint/appeal will be disclosed to the Respondent and Panel. Also determine if there is additional evidence or written submissions to follow, if so, provide a deadline for receipt. (After this step, the Complainant/Appellant may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel)**
- c. **Determine whether the complaint is within the jurisdiction of the applicable Policy.**
- d. **Notify the Respondent that you are the Case Manager and are in receipt of a complaint/appeal. Communicate to the Respondent that any submissions will be provided to the Complainant/Appellant and Panel. Provide the Respondent with a reasonable timeframe to submit their response document and any applicable evidence. (After this step, the Respondent may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel).**
- e. **The Case Manager may wish to provide the Complainant/Appellant to submit a rebuttal, but the rebuttal must be limited to issues raised by the Respondent and is not an opportunity to provide new evidence. The Panel may exclude such new evidence.**

- f. Appoint the Panel**
- g. Conduct a hearing either via written documentation, teleconference, in – person, or a combination of these techniques.**
- h. Ensure the Panel renders a written decision within a prescribed timeline.**

Date Adopted: \_\_March 20, 2016\_\_

## DISPUTE RESOLUTION POLICIES & PROCEDURES

### 23. COMPLAINTS AND APPEALS SUPPLEMENT

Sask Sport Inc., in conjunction with the Sport Law & Strategy Group, have developed a comprehensive set of guiding policy templates and supporting resources to assist member organizations with managing complaints and disputes when they may arise. As one of these resources, this *Complaints and Appeals Supplement* is intended to provide relevant information to Sask Sport members that may or will be entering into a formal dispute process. Information in this supplement is intended to complement the processes recommended through the “Discipline and Complaints Policy” and “Appeals Policy” templates and associated flow charts provided.

Within this supplement, organizations will find information about managing disputes and other useful techniques for conducting internal hearings. In a perfect world, all disputes could be dealt with internally using the policies of the organization and the skills and resources of the organization’s volunteers and staff. However, there are many dispute situations that are best approached using outside resources. This may mean contracting out the administration of the hearing to an independent group, bringing in an independent person to chair a hearing panel, consulting with an outside person who can analyze and clarify a dispute, or using the services of an independent, skilled investigator. The moderate cost involved in tapping into the expertise of independent outsiders will prove to be, in almost all cases, an excellent investment.

*Disclaimer – The information in this supplement is intended as general legal information only and should not form the basis of legal advice or opinion of any kind. Readers seeking legal advice should consult with a lawyer.*

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#### **What Governs the PSGB or District (Active and Affiliate Member Organizations of Sask Sport)**

The PSGB or District is a Non-Profit *Membership Organization* – it is an autonomous, self-governing, private organization that has the power to write rules, make decisions and take actions that affect its members, registrants, participants and constituents. The *Non-Profit Corporations Act* of Saskatchewan applies to incorporated entities and a body of law called *administrative law* prescribes the rules by which Non-Profit Membership Organizations must operate in Canadian society and allows for remedies when these rules are not followed and someone is harmed as a result.

To understand a PSGB’s and District’s legal duties and obligations one must understand two important principles that apply to Non Profit *Membership Organization* – the first is the notion of *contract* and the second is the notion of *natural justice*, now almost synonymous in Canada with *procedural fairness*.

## **Contract**

As a Non Profit *Membership Organization*, the PSGB or District is self-governing and derives its authority from its constitution, bylaws, policies, procedures and rules. Taken together, these are the “governing documents” of the organization and form a contract between the organization and its members. This contract provides the organization with the legal authority to establish the rights, privileges and obligations of membership. As in any contract, the parties to the contract are expected to adhere to its terms and provisions and failure to do so may result in a breach of the contract.

## **Procedural fairness**

The second fundamental legal principle is that Non Profit *Membership Organizations* are subject to the rules of procedural fairness. In other words, the PSGB or District must be fair in how it exercises its powers and makes decisions. Being fair in organizational decision-making means meeting, at a minimum, these four requirements:

1. The PSGB or District must have clearly documented Dispute and Complaints procedures (ie. processes and policies) that are accessible and readily available for the organization’s members to review;
2. Authority to make the decision must be properly vested in the decision-maker (ie. Discipline Panel or Appeals Panel) by the PSGB or District organization;
3. The decision-maker (ie. Panel) has a duty to give persons affected by the decision a reasonable opportunity to know the case against them and present their case (commonly referred to as *right to a hearing*); and
4. The decision-maker (ie. Panel) has a duty to listen fairly to both sides and to reach a decision untainted by bias (commonly referred to as *rule against bias*).

## **Right to a hearing**

Before the PSGB or District can make a decision that adversely affects an individual, that individual has a right to know the case against them and to be given a reasonable opportunity to respond on their own behalf. There are two obvious purposes for this rule. Firstly, the person affected by the decision has an opportunity to defend their interests or to assert a claim. Secondly, the act of allowing the individual to provide information will allow the decision-maker to make a better-informed decision because he or she will have heard both sides of the dispute.

## **Managing the hearing**

Preparing for and administering a hearing can be extremely time-consuming as well as emotionally draining. In nearly all cases heard within the PSGB/District, the Panel Member(s) will be volunteers and will not have the resources or time to take care of administrative details of the hearing themselves. As such, the PSGB or District should appoint or secure the services of a Case Manager\*\* to ensure that communication with the parties is consistent and timely, that hearing rooms are booked, conference calls are organized, documents are circulated and the instructions of the Panel are carried out quickly and accurately.

It is imperative that the Case Manager be very careful to act in an absolutely neutral and transparent fashion. Communication with the Panel should be limited to administrative issues relating to the hearing and any and all communication should be copied to, or include the other parties. The person administering the hearing, usually the Case Manager, may well be perceived as being biased and must walk a very fine line to convey the perception that he or she is neutral and detached.

**\*\*Case Managers** may be sourced from third-party organizations that specialize in Dispute Management, or individuals with experience and knowledge of Dispute Resolution procedures and may come from within the organization.

### **Alternative Dispute Resolution**

More frequently, techniques of alternative dispute resolution are being used in the sport setting when disputes and complaints arise. These are some common dispute resolution techniques:

*Facilitation* – a process where an outside person works with and advises both parties and brokers a mutually agreeable solution between them; and

*Mediation* – a slightly more formal process than facilitation where an outside person brings the parties in a dispute together to understand and resolve their differences and find a mutually agreeable solution;

At any time in the dispute management process, either of these options for ‘Alternate Dispute Resolution’ might present themselves as being appropriate. The appointed Case Manager should offer this alternate process to the parties involved AND if all parties agree, the Case Manager can step steps to engage a Facilitator or Mediator to lead the process.

### **Format of the hearing**

Most of us think that the term *hearing* refers to a face-to-face gathering of the parties before a Panel. In fact, the term hearing simply refers to a mechanism by which an individual may be heard: that is, may respond to the matter at hand.

A hearing in the legal sense can occur in many different ways. These include interactions in person, on the telephone, by video conference, or through the exchange of written documents or interactions through a combination of these methods. The appropriate format for any hearing will depend on the nature and seriousness of the case in conjunction with the PSGB Discipline and Complaints Policy.

### **The Panel**

As noted in the PSGB Discipline and Complaints Policy, there are two manners to decide an issue, via single Panel or in rare cases a Panel of three individuals with an appointed chairperson.

#### *The Role of Chairperson*

A Panel of a hearing will only be effective if the Panel, in the case of a single decision-maker, or the Chairperson, in the case of a three-person Panel, is effective. A good Panel has the respect of the parties and can control procedures with a firm but fair hand. Ideally, the Panel knows legal procedures and will be adept at handling complex or aggressive arguments. In terms of personal attributes, the Panel should be perceived as being credible, unbiased, independent and fair.

#### *Independence of the Panel*

The independence of the Panel refers to the extent to which each decision-maker is free to make his or her own decision – free from the influence of other decision-makers, from outside third parties or from the influence of those who may have appointed them to the Panel. Panel members should be sufficiently

independent of those who appoint them that they are free to make decisions without interference or repercussions.

#### *Bias of the Panel*

Bias refers to a decision-maker's state of mind and reflects a lack of neutrality. Actual bias is extremely difficult to prove - however, one may have a "reasonable apprehension" that a decision-maker is biased and this may be sufficient to disqualify the decision-maker. A reasonable apprehension of bias exists where "a reasonable person, knowing the facts concerning the decision-maker, would suspect that the decision-maker may be influenced, albeit unintentionally, by improper considerations to favor one side in the matter he or she is to decide".

Sometimes bias is alleged because the Panel member is too informed or knows too much. An informed decision-maker is always a good addition, provided the decision-maker has an open mind and is open to persuasion through the hearing process, which may not always involve an in-person hearing, but rather teleconference call or document review.

*Relationships and elements that may result in bias or a reasonable apprehension of bias can be grouped into six broad categories:*

#### *Personal relational bias*

*This includes personal relationships that might suggest favoritism such as friendship, kinship or a coach-athlete relationship. It also includes personal relationships that might invoke animosity or prejudice such as personality conflicts, a history of strained relations or involvement in a previous dispute.*

#### *Non-personal relational bias*

*This category of bias relates to a commercial or business relationship between a decision-maker and a party that might result in bias either in favor of or against a party. This might include an employee-employer relationship, competitors, or even one party's membership in a particular organization or interest group.*

#### *Informational bias*

*This category involves situations in which the allegation of bias is made because a decision-maker learns details about a person or a relevant issue as a result of some prior involvement, perhaps through a previous dispute or hearing. This typically arises where a decision-maker has participated in an earlier hearing that involved the same person or same issues.*

#### *Attitudinal bias*

*This category of bias relates to whether a view or a position taken by a decision-maker in the past, although not specifically directed to the matter under consideration, suggests a predisposition on the part of the decision-maker towards one side or the other. This is a tricky issue. Having an open mind does not mean having a blank or void mind! Decision-making bodies may, and often do, take positions and make general statements about issues, but they cannot be so entrenched in a position so as to have a "closed mind".*

#### *Institutional bias*

*This category of bias refers to the manner in which the organizational structure of an organization creates or builds in a bias or apprehension of bias. A classic case of such bias arises where a Board of Directors is authorized to make a certain decision and any appeal of such a decision is to be heard by the Executive Committee. In most sport organizations, the Executive is a sub-group of the Board and thus is in the position of hearing an appeal from its own decision.*

#### *Operational bias*

*This category of bias arises from the manner in which a hearing is conducted. More specifically, operational bias may be alleged where the procedure adopted by the decision-maker has created*

*a situation of unfairness for one of the parties. Operational bias may also be alleged where the decision-maker becomes so involved that he or she appears to be an advocate for one side or another. Similarly, operational bias may be alleged where a decision-maker is overly adversarial during the conduct of the hearing.*

Disqualifying a Panel member for bias is more complicated than simply asserting that bias exists. The test for bias is an objective test and the party alleging bias must meet this test. While a previous or existing association, friendship, business relationship or family relationship might be perceived as biasing a decision-maker, it is important to note that it is not the relationship itself that creates the bias, or the apprehension of bias, but rather the extent to which the relationship influences or is perceived to influence the decision-maker.

#### *What to do when bias is alleged*

If one of the parties makes an allegation of bias, it is the Panel itself that makes a ruling on the allegation, based on the objective test described above. If the Panel finds no bias, the hearing may continue. If the Panel determines bias, then that person should withdraw.

In the event that a Panel member removes themselves because of bias, the Case Manager will appoint a new Panel member to hear the matter. In the case of a three person Panel, the parties can consent to continue the process with two decision-makers or request that the Case Manager appoint a third member of the Panel.

Allegations of bias should be addressed right at the beginning of a hearing. It is common practice for the Panel to pose the question of bias as a preliminary matter by ensuring that the parties have no objections about the constitution of the Panel. The only time a Panel should consider an allegation of bias later on in the hearing is if new information has come to light during the course of the hearing that might suggest a perception of bias.

Sometimes a party will allege bias after the hearing is over, particularly when the Panel decides against them. The Panel should not consider such claims: if there is a legitimate issue of bias, then it can be addressed through the next level of review and decision-making or through appeal or judicial review. Likewise, if a party alleges bias and the Panel rules that bias does not exist yet the party maintains its position that there is bias, the hearing should proceed and the party should challenge the Panel's ruling through the appropriate channel – typically an appeal or judicial review.

#### ***Guidelines for avoiding bias***

*Here are some useful guidelines for Panel members wishing to avoid bias:*

*Panel members should not prejudge a case. In other words, they should not have made up their minds so strongly in advance that they cannot be swayed or influenced to decide another way as a result of information that comes forward at a hearing. This does not mean Panel members should not hold opinions going into a hearing. However, all Panel members are expected to listen to and consider all the evidence presented at the hearing and to base their decision upon that evidence – and only that evidence.*

*Panel members should never meet with or communicate with one party in the absence of the other party, nor should a Panel ever hold private interviews with witnesses. This will always raise a*

*reasonable apprehension of bias and is absolute grounds for a successful appeal of the Panel's decision.*

*Once a hearing has concluded but the decision has not yet been rendered, Panel members should not have any contact with the parties, particularly when one of the parties is trying to provide the Panel members with more information. Considering such information will automatically make the Panel members biased. If there is a clear need to bring more evidence before the Panel, the hearing should be reconvened and the party seeking to introduce new evidence should make this request of the Panel, in the presence of the other party.*

*A Panel should never ask one of the parties to write its decision. This frequently happens when the hearing is an internal administrative hearing and the organization is a respondent. The Panel members, who are typically volunteers, may ask the staff of the organization to write their decision. This raises a reasonable apprehension of bias and should be avoided. In all cases, the Panel writes its own decision, and in the case of a three person Panel, to delegate to one of its members the task of preparing a draft decision for review and ultimate acceptance by all Panel Members.*

*Panel members must conduct themselves calmly and professionally in a hearing. Sometimes a decision-maker may make a blatant statement that suggests bias or prejudice. Panel members must avoid flippant, derogatory or demeaning remarks about the parties or witnesses. They must not appear to be hostile, antagonistic, sexist or discriminatory.*

*Finally, while it might seem obvious, Panel members should not socialize with either party during the course of a hearing. The other party might reasonably assume that information relevant to the matter in dispute will be discussed while socializing.*

## **Identifying the issues**

### *Know where you are going*

A Panel member cannot do its job if it doesn't know the purpose of the hearing. A critical task for every Panel before it starts a hearing is to agree on what needs to be decided and to confirm that the Panel has the jurisdiction and authority to make such decisions.

The Panel must have a clear sense of direction and purpose when approaching a hearing. In fact, all the parties should share the same sense of purpose and direction. This can only be achieved if everyone knows and agrees upon what the issue or issues are. The importance of this task should never be under-estimated and if issues aren't clear at the outset, the hearing process simply will not work.

Clearly identifying the issues that are to be put before a Panel will help the Panel determine what information is relevant to the hearing and what information is not. The Panel must not consider irrelevant information. In practice, distinguishing between relevant and irrelevant information can be difficult. The Panel must walk a very fine line between focusing on information that is relevant to the issues to be decided and allowing the individual who is the subject of the hearing to make a full and complete case and, just as significantly, to *feel* that they have had every opportunity to make their case.

Identifying the issues that are in dispute in advance of the hearing will help to focus the agenda for the hearing. As well, in the process of identifying issues, certain procedural issues may emerge that need to be dealt with as preliminary matters before the hearing can even begin.

### **Some benefits of clearly articulated issues**

*The exercise of clarifying issues will help the Panel decide the best format for the hearing. For example, if the issues are purely factual or technical, a documentary hearing may be appropriate. If there is a dispute about factual events and credibility becomes a factor, then an in-person hearing may be the best.*

*In the course of identifying and confirming issues, it may become apparent that other dispute management techniques could work. For example, negotiation or mediation may present themselves as appropriate alternatives and the dispute may never have to go to a hearing.*

*Defining issues will help the Panel and the parties identify relevant witnesses and documents to be placed before the Panel. Often, by making the issues clear the Panel will be able to limit the number of witnesses or documents to those pertinent to these issues, thus keeping the hearing simpler, shorter and less costly.*

*Lastly, knowing the issues will help the Panel determine appropriate timelines for carrying out the hearing and rendering a decision.*

## **Starting the hearing**

When an oral hearing is ready to start there are a few items the Panel should first cover:

- Introduce the general nature of the hearing;
- Introduce the Panel or the members of the Panel and confirm that the parties have no objection on the basis of bias or conflict of interest;
- Outline and confirm the issues in dispute and to be decided by the Panel;
- Outline and confirm the facts on which the parties are in agreement;
- Identify the applicable policies of the organization that govern the issue or issues before the Panel and ensure that the parties have these policy documents before them;
- Confirm the remedies that the parties are seeking – in other words, clarifying what it is that each party is asking the Panel to decide; and
- Outline and confirm the order of presentation and the process to be used (see further information below).

## **Controlling the hearing**

### *Keep the Hearing Moving*

The Panel must keep control of the hearing at all times. A good hearing is one that moves along smoothly while still allowing the parties to present their evidence fully. This requires technical skills from Panel members as well as sensitivity to the disputants' needs.

Where a Panel does not control a hearing and the parties are permitted to bring forward information that is not relevant or is repetitive, the hearing can become irritating, divisive and ultimately expensive and the Panel can lose credibility in the eyes of the parties and others.

At the same time however, the parties must feel at the end of the day that they have had a full and fair hearing before the decision-making body. This requires a careful balancing act and is one reason that the organization may consider using the services of a skilled, experienced and independent individual to serve as the Panel or Chairperson in the case of a three person Panel.

In almost all hearings a Panel will be asked to make procedural decisions. Many of these cannot be anticipated in advance and some of these decisions will be critical to the outcome of the decision. The Panel cannot avoid this responsibility. Furthermore, the Panel must conduct a hearing and make decisions that respect the principles of procedural fairness, given the facts and circumstances of the case.

### *Conduct during the hearing*

Every Panel has the inherent power to control its own procedures and, in fact, has an obligation to the parties to do just that. Every Panel must also maintain its credibility in the eyes of the parties, the organization and the public. If a party becomes highly emotional the Panel must act with both compassion and firmness. If a party or a witness is behaving disrespectfully or improperly during a hearing, the Panel

should take firm action, including disciplining the party through verbal warnings, curtailing the party's activities, restricting or stopping the party's testimony, or in extreme cases, stopping a hearing.

#### *Be prepared*

Where possible the organization should appoint a Panel or Panel members who are knowledgeable and who have had some experience in conducting hearings or being part of a hearing process. Panel members should prepare themselves fully by making themselves familiar with governing policies, procedures or rules that have been established for the hearing, all the documents presented to it by the parties, as well as any prior decisions that may be helpful. These should be read *before* the hearing starts. Panel members should also familiarize themselves with basic hearing procedures.

#### **Order of Presentation in a Hearing**

Typically, the party having the burden of proof goes first. Thus, in a discipline hearing the complainant has the onus of proving that there was a breach of the code of conduct (or whatever policy document applies) and should present its case first. In an appeal, the individual bringing the appeal has the burden of proving that the original decision was made in error, so that individual should present his or her case first.

The party responding to the party that has the burden of proof should go second and any affected parties or intervener parties should make presentations after that.

Typically, each party presents its evidence through the introduction of documents, other records such as video tape, audio tape or oral testimony from themselves or from other witnesses. This is called the "evidence" stage. The other parties may be given an opportunity to ask questions or seek clarification on evidence. In a formal hearing, this would be called "cross-examination". Cross-examination can occur in a number of ways: for example, by means of questions through the Panel or questions directly of the witness. The purpose of cross-examination is to "test" the evidence – that is, check it for consistency and completeness.

Once all the parties have presented their evidence and have been questioned on their evidence, then each party must be given an opportunity to tie all the evidence together in the most persuasive way possible. This is called the "argument" stage.

Finally, the party having the onus of proof has an opportunity to come back and respond to anything raised by the other side or the other parties in either their evidence or their argument. This is called the "rebuttal" stage. No new evidence should be allowed at this stage.

When all of these stages have occurred, the hearing can then be adjourned for the Panel to make its decision.

#### **Witnesses**

Sometimes a party will line up a whole list of witnesses to support their position. The Panel has the implicit authority to determine which witnesses should be allowed in the hearing, keeping in mind that the greater the number of witnesses, the longer, more drawn out and more expensive the hearing will be. On the other hand, the parties must have the opportunity to make a full response and if this requires three witnesses and not just one, then the three should be allowed.

#### ***Admitting witnesses to a hearing***

The admission of witnesses should be based on the extent to which they can provide information that is relevant to the issue in dispute. As well, witnesses should not duplicate each other. Often a witness is used simply to support the evidence of another witness and brings very little, if any, new information to the hearing. Such witnesses should not be allowed.

As well, witnesses should be credible and should not come to the proceeding with a conflict of interest or an "axe to grind". As well, the Panel should be consistent in how it deals with the parties and their requests

for witnesses. If one party is allowed by the Panel to bring five witnesses who will speak to good character, then the other party should not be restricted to a single witness.

The use of “will say” statements is one way to filter and screen witnesses. A will say statement is a written summary of what a witness is expected to say during the course of the hearing. Such statements are provided to all parties in advance so that they can anticipate the evidence and are not surprised at the last minute. A well-run hearing is one that contains no surprises and the use of will say statement is one technique to prevent surprises.

### **Disclosure and confidentiality**

One of the basic rules of fairness is that the affected party must know the case against them. This means full and meaningful disclosure. Without full knowledge of the matters at issue a person cannot properly exercise their right to be heard. There are very few situations where full and complete disclosure will not be warranted.

A general rule of thumb that may guide a Panel dealing with the issue of disclosure is that any information that a party wants the Panel to consider should be disclosed to the other parties. If the party supplying the information doesn't want the other party to know of it, then the Panel should refuse to receive it, unless the safety of a minor is in question and then particular thought will have to be implemented to ensure procedural fairness and ensuring the safety of a minor.

Wherever possible, the general rule of full disclosure should be followed. Where the release of information will cause serious harm, it may be possible to limit disclosure, but to do so only to the extent necessary to avoid the harm. For example, it may be possible to disclose a précis or summary of the information for certain purposes.

## **EVIDENCE**

### **What is evidence?**

Information and evidence are similar, but not the same. Evidence is a certain type of information – it is information that is used to prove a fact, disprove a fact or support or contradict an argument. Evidence is usually verbal testimony, written documentation or material objects that are offered to prove the existence, or non-existence of a fact.

Evidence can also be described as information that has been judged or filtered. The purpose of this process of judging or filtering is to:

- Determine if the information should be accepted or rejected in the decision-making process. In other words, not all information reaches the standard required of evidence.
- If the information is accepted, placing a value or weight on it. In other words, some evidence is more solid and relevant than other evidence.

Panels are not bound by strict rules of evidence, the way civil or criminal courts are bound by them. Panels may make their own rules and, typically, they will relax the rules relating to evidence. For example, “hearsay” evidence is not admissible in a criminal court but may be admissible before a Panel, provided it is given less weight than other more direct and more reliable sources of evidence.

While it is not necessary to fully understand the evidentiary rules that exist in civil and criminal law, it is important to understand that not all information is evidence and that not all evidence is good. The decision-maker must sift through many sources of information to determine what information comprises relevant and

material evidence, to determine what weight to apply to this evidence and, from there, to make a decision based upon evidence and policy.

## **MAKING THE DECISION**

### **Authority of the Panel**

The Panel may only decide matters for which it has jurisdiction. In other words, the Panel can only decide those things that it is expressly authorized to decide. Usually, this authority is set out in the policy documents governing the hearing and the Panel. If this authority is not clearly stated, the Panel should determine *in advance* what its authority is, prepare terms of reference that describe that authority and ensure that all the parties understand what the Panel can and cannot do.

No Panel has the authority to change the organization's policies, regulations or rules. These changes must be made through proper policy-making channels. However, it is not uncommon or improper for a Panel to make decisions and order changes when policies are ignored, not followed, improperly interpreted or wrongly applied.

### **Consensus vs. majority decision**

Unless the policy governing the hearing stipulates otherwise, where the Panel is made up of more than two members, the majority rules – the decision need not be unanimous. But be forewarned: a majority decision, as opposed to a unanimous decision, is never desirable. It indicates a split in the opinions and views of the Panel members and often leads to the parties losing confidence in the Panel and ultimately, losing confidence in the decision. Experience has shown that majority decisions often give rise to appeals.

A unanimous decision is always the best and this is what the Panel should strive for.

### **What is a decision based on?**

The Panel must be very clear about what it is being asked to decide. It must know “what test the applicant must meet”. For example:

- In a *discipline* matter, the Panel will be asked to determine whether the individual has breached a code of conduct or some similar standard of behaviour.
- In a *selection* matter, the Panel will be asked to determine if the athlete or coach has met the selection criteria.
- In an *appeal* of any type, the Panel will be asked to determine if the original decision-maker made a procedural error.

*The Panel must make its decision on the basis of applicable governing documents, policies, rules and regulations as well as other evidence provided by the parties through the course of the hearing. In making its decision, the Panel must consider this information and this information only – it may not consider extraneous information supplied to it by outside parties, supplied to the Panel previously, or supplied to the Panel once the hearing has concluded. Nor should it consider views and opinions expressed in the media.*

## **WRITING THE DECISION**

The law does not require a Panel to give reasons for decisions and failure to give reasons will not necessarily result in a breach of natural justice or procedural fairness. However, for reasons of fairness, risk management and good governance, written reasons are *always recommended*. Without written reasons, a party adversely affected by a decision may not be satisfied that the Panel properly considered policy and evidence. When written reasons are provided the parties can have confidence in the Panel's

decision-making and often all the parties will be satisfied that the Panel considered the case carefully and that they received a full and fair hearing.

### ***Qualities of a good decision***

*A good written decision is one that:*

- Clearly and correctly interprets the governing policy or rule;
- Sets out the correct legal test to be satisfied;
- Describes the facts of the case, based upon relevant evidence;
- Justifies its decision based on both policy and facts;
- Is clearly written so that the decision-makers' reasoning process is transparent; and
- Gives reasons that are understandable to a fair-minded, reasonable and disinterested observer.

### **Format of the decision**

Written decisions should follow this format:

- *Issue to be decided* – This opening section should clearly state the issue that the Panel has been asked to decide. The essence of the complaint or matter being heard is set out here, along with what it is the applicant needs to prove to succeed.
- *Background* -- This section should set out background information on the matter, including the parties' names, the dates and locations of the incident in question and other factual information relating to the matter being heard.
- *Statement of the facts* -- This section summarizes the facts as the Panel has determined them, based upon the evidence and the weight that the Panel has assigned to the evidence. In this section, the Panel should identify contradictory evidence and should set out how the Panel resolved these conflicts. The parties reading the decision should appreciate fully what evidence was considered by the Panel and that relevant evidence was not considered.
- *Authorities considered* -- This section would identify the relevant sections of the policy documents that the Panel considered in making its decision. Authorities might also include relevant precedent decisions.
- *The decision* -- This section gives the decision of the Panel. For example, in the case of a disciplinary matter it should set out their determination on whether misconduct occurred and, if there was misconduct, the sanction to be taken against the individual. The decision should be worded very carefully so that both the purpose and the details of the sanction are clear. If there are timelines these should be set out clearly; if costs are to be assessed it should say what they are or how they will be determined; if publication of the sanction is to occur it should specify when and where and what the notice will say; if the sanction is not complied with, it should specify what will the repercussions be. The decision should be clear, complete and explicit.

- *Reasons for the decision* -- This section provides detailed reasons to support the Panel's decision. These reasons should be based upon policy and fact and should refer to any mitigating or aggravating circumstances. Reasons should be written in such a way that an outsider would be able to follow the analytical and reasoning process used by the Panel to arrive at its decision.

The written decision should be able to stand alone, without other documents or supporting materials. This may mean repeating within the body of the decision the relevant excerpts of governing policies, precedent decisions or documentary evidence. A written decision that is all-inclusive and can stand alone is easier to distribute to the parties to the hearing and to outside parties. As well, such a practice helps to address confidentiality issues as full documents are not disclosed, only their relevant portions.

In the case of a three person Panel, and not a single person Panel, all of the Panel members should sign the decision as an indication they concur with the decision. If time is of the essence, the Chairperson can sign the decision on behalf of the other Panel Members if they provide their consent. If a Panel member does not concur with the decision, this should be stated, along with that Panel member's reasons for dissenting.

The written decision should be sent to all parties simultaneously.

## **COMMUNICATIONS**

After the Panel reaches a decision, the written decision is communicated to the parties, a remedy may be enacted and sanctions, where ordered, are imposed and the dispute ends. But does it? Who else gets to know what happened? Is the result public? Does the decision stay between the two parties or does the entire membership learn the results?

The publication of a sanction can be considered a sanction in and of itself. Any publication reveals the identity of parties and publicly announces the results of the hearing. Such publication could have serious ramifications on the parties – professionally, socially and emotionally. Whether or not the individuals involved are minors should also be considered. There may also be scenarios where the facts of the case should be kept confidential but the sanctions or remedies may be distributed. In other cases, the outcome of the case can be public but the full decision – with reasons - may need to be private.

### ***Who Decides?***

Some organizations include a form of confidentiality clause within their dispute resolution policies that reference how a decision should be communicated. The clause might state that the decision should be limited to the two parties, or it might say that the decision is a matter of public record. In other policies, the disclosure of the decision is left to the Panel for that particular case – which would indicate in the decision whether it was confidential or whether it was a matter public record.

Panels weigh various items to determine when a decision should be public. They will consider legal issues, whether the individual is a minor, the type of infraction, whether other individuals were implicated, and the result of the decision.

In essence, the decision should be disclosed at a minimum to ensure the enforceability of the decision and the applicable sanctions. Such disclosure may include other Clubs or the NSO. For example, if a participant is restricted from participation as a result of a ruling, applicable Clubs will need to be informed to ensure the enforceability of the sanction, until such time as the sanction has been completed. The disclosure should likely only include the sanction and not the particulars that lead to the decision.

### ***Publication***

Decisions from hearings typically take the form of a written document with a specific format. The background of the case is explained, followed by the positions of both parties, the decision, and finally any sanctions or remedies. The written submissions from both parties are not included and neither are any witness

statements or other materials. Both parties receive the decision document but the witnesses and third parties do not. Even when the decision is publicly disclosed, the decision, with reasons, may not be distributed unless necessary or determined by the Panel. Instead, organizations may select from a variety of means to make a decision 'a matter of public record' or how best to inform members of the result.

## **CONFIDENTIALITY**

While it is standard practice in court proceedings that those proceedings are confidential to the parties, a confidentiality clause is highly recommended which requires the parties to keep all matters related to the proceedings confidential. Such a provision will create a more precise and fair process. Disclosing information related to a proceeding cannot provide any sort of benefit to those involved. If an organization, case manager or party to a proceeding is requested information related to the matter, the party should acknowledge the matter is being managed in accordance with PSGB Policy and it would be inappropriate to speak to the matter prior to a decision being rendered. Upon the conclusion of a matter, any further information request can be answered by indicating the decision speaks for itself or providing options for appeal.

## **SUMMARY**

In summary, effective dispute management involves two elements:

- *Prior planning* – ensuring that governing policies are sound;
- *Proper execution* – interpreting and implementing governing and policies properly.

Date Adopted: \_\_March 20, 2016\_\_

## **Appendix 1:**

### **SAMPLE DISCIPLINE HEARING SCRIPT**

Today is the (#) day of (month), 20\_\_ and we are here to decide the case between (Complainant/Appellant) and Respondent with regard to the alleged violation(s) of \_\_\_\_\_ Policy.

My name is \_\_\_\_\_ (Name) and I am the Chair of this Discipline/Appeal Panel charged with the responsibility of maintaining order and presiding over these proceedings.

To my left is \_\_\_\_\_ from \_\_\_\_\_ and to my right is \_\_\_\_\_ from \_\_\_\_\_. We, the Panel, have been charged with deciding this case.

Would the parties please introduce themselves, starting with the Complainant/Appellant? (Record names of all persons in attendance and their relationship to the parties (e.g. lawyer for complainant/respondent, complainant's/respondent's witness, etc.).

If you have an objection to the composition of the Panel, please indicate so at this time with reasons. If no objections, please confirm orally your confirmation and acceptance of the Panel's composition.

\_\_\_\_\_ is the Case Manager and outside of today's proceedings, all communications, whether by letter, telephone or in-person, are to flow through him/her.

Before we begin, I would like to remind all parties that the information in this hearing is confidential and closed to the public. Please remain seated and address all comments to myself, the Chair of this Panel. All Parties are expected to act in a civil manner at all times.

I want to talk with you about this hearing process and your participation.

Each party may present evidence. The Complainant will present their evidence first. That party will present all of their witnesses and other evidence and then the other party may do the same. Each witness can be questioned by both parties: first the party who called the witness (direct examination), then the other party (cross examination). Each party then gets a second opportunity to ask follow-up questions (re-direct and re-cross examination).

Stick to the issues. Present the essential points, and support them with your exhibits or the testimony of your witness(es). Avoid confusing the issue with irrelevant information. Focus on the key issues of the case.

The weight of evidence is not determined by the amount of testimony. Therefore, the number of witnesses to testify about the same facts may be limited. Call witnesses with the most reliable, first-hand knowledge of the situation.

After all the evidence has been presented; each side may make a closing statement. You may summarize or comment on the evidence that has been presented. You may also argue how the case should be decided.

Would all witnesses please leave the room at this time? You will be called in individually to present your information regarding this case.

***Note to Chair: The administrative announcements have been completed and you will now begin opening statements and the presentation of the evidence.***

At this time, I will read the notice of complaint and the alleged behavior. (Read the notice of charges and alleged behavior).

The parties will now proceed with their opening statements, beginning with the Claimant and then the Respondent.

The Complainant will now proceed with the presentation of their information and evidence.

Are there any questions from the Respondent?

Are there any questions from the Panel? (Remember the Panel members can ask questions at any time).

I ask the Respondent to please present their information and evidence.

Are there any questions from the Complainant?

Are there any questions from the Panel?

Each party may make a closing argument. The parties are directed to limit their closing argument to a summation of what he or she believes has been proven. The parties may now begin their closing argument, beginning with the Claimant.

I ask the Complainant to make a closing statement.

I ask the Respondent to make a closing statement.

Do the parties have any further evidence or testimony to present?

The decision will be forwarded to the parties, and/or counsel in accordance with the OSA Discipline/Appeals Policy.

I would like to thank each of you for your time and remind you that all information in this hearing is confidential. This hearing is adjourned.

## **Appendix 2:**

### ***SAMPLE WRITTEN DECISION***

#### **IN THE MATTER OF A COMPLAINT BETWEEN**

Name (Complainant)

- and -

Name (Respondent)

#### **DECISION**

#### **APPEARANCES**

Name (Complainant) appeared on behalf of the Complainant and Name (Respondent) and appeared on behalf of the Respondent.

The Panel was composed of [insert names]. The Parties had no objections to the composition of the Panel.

This complaint was carried out pursuant to provisions of the \_\_\_\_\_ Discipline and Complaints Policy and Code of Conduct.

#### **MATTER IN DISPUTE**

1. Whether the Respondent breached the \_\_\_\_\_ [insert policy, code or other relevant reference] by.....

#### **SUMMARY OF FACTS**

On [Date] a complaint was filed with the \_\_\_\_\_ by the Complainant against the Respondent.

The Complainant submitted that on [date], the Respondent [describe facts].

#### **FINDINGS AND REASONS**

The Panel reviewed numerous submissions and documents. The Parties were given ample opportunity to make their respective cases.

The Panel finds as follows:

1. The Panel is satisfied that [describe facts and correlation to policy, code, or other relevant reference.]

#### **DECISION**

1. Having read the submissions, and having carefully considered all the evidence placed before it, the Panel makes the following decision:

- Describe sanctions

---

[Chair of Panel] for the Panel  
Date

Date Adopted: \_\_March 20, 2016\_\_

## **24. Alternate Dispute Resolution Policy – As presented by Sask Sport**

### **Definitions**

2. The following terms have these meanings in this Policy:
  - i. “Association” – **Water Ski and Wakeboard Saskatchewan**
  - j. “In writing”- A letter, fax or email sent directly to the Association.

### **Purpose**

16. The Association supports the principles of Alternate Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes.

17. The Association encourages all individuals and parties to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. The Association believes that negotiated settlements are usually preferable to outcomes resolved through other dispute resolution techniques.

### **Application of this Policy**

18. This Policy applies to all disputes within the Association when all parties to the dispute agree that such a course of action would be mutually beneficial.

### **Facilitation and Mediation**

19. If all parties to a dispute agree to Alternate Dispute Resolution, a mediator or facilitator shall be appointed by the Association and/or the Case Manager to mediate or facilitate the dispute.

20. The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated.

21. The final decision will be communicated by the mediator or facilitator to the parties and the Association.

22. Should a negotiated decision be reached, the decision shall be reported to, and approved by the Association.

23. Should a negotiated decision not be reached by the deadline specified by the mediator or facilitator, or if the parties to the dispute do not agree to Alternate Dispute Resolution, the dispute shall be considered under the appropriate section of Association's *Discipline and Complaints Policy* or *Appeal Policy*.

24. The costs of mediation and facilitation will be shared equally by the parties or paid by the Association upon the Association's sole discretion.

### **Final and Binding**

25. Any negotiated decision will be binding on the parties. Negotiated decisions may not be appealed.

26. No action or legal proceeding will be commenced against Association or its Individuals in respect of a dispute, unless the Association has refused or failed to provide or abide by its governing documents.

Date Adopted: \_\_March 20, 2016\_\_

## **25. Appeal Policy – As presented by Sask Sport**

### **Definitions**

1. The following terms have these meanings in this Policy:
  1. "Appellant" – The Party appealing a decision
  2. "Appeals Panel" – A single person, or in extraordinary circumstances and at the discretion of the Case Manager, three persons, who will hear and decide the appeal.
  3. "Association" – [Water Ski and Wakeboard Saskatchewan Inc.](#)
  4. "Case Manager" – An individual appointed by the Association, who need not be a member or affiliated with the Association, to administer this Appeal Policy. The Case Manager will comply with the position description described in Appendix "A".
  5. "Days" – Days including weekend and holidays
  6. "In writing" – A letter, fax or email sent directly to the Association.
  7. "Individuals" – All categories of membership defined in the Association's Bylaws, including clubs, teams as well as, all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, managers, administrators, committee members, and directors and officers of the Association
  8. "Respondent" – The body whose decision is being appealed

### **Purpose**

2. The Association provides Individuals with this *Appeal Policy* to appeal certain decisions made by the Association.

### **Scope and Application of this Policy**

3. Any Individual who is directly affected by an Association decision will have the right to appeal that decision; provided the appeal falls within the jurisdiction of this Policy and there are sufficient grounds for the appeal under the 'Grounds for Appeal' section of this Policy.

4. This Policy **will not apply** to decisions relating to:
- a. Employment
  - b. Infractions for doping offenses
  - c. The rules of the sport
  - d. Budgeting and budget implementation
  - e. Operational structure and committee appointments
  - f. Volunteer appointments and the withdrawal of termination of those appointments
  - g. Decisions rendered by entities other than Association (appeals of these decisions shall be dealt with pursuant to the policies of those other entities unless requested and accepted by Association at its sole discretion)
  - h. Commercial matters
  - i. Decisions made under this Policy

#### **Timing and Conditions of Appeal**

5. Individuals who wish to appeal a decision have fourteen (14) from the date on which they received notice of the decision to submit, in writing to the Association, the following:

- a. Notice of the intention to appeal
- b. Contact information and status of the Appellant
- c. Name of the Respondent and any affected parties, when known to the Appellant
- d. Date the Appellant was advised of the decision being appealed
- e. A copy of the decision being appealed, or description of decision if written document is not available
- f. Grounds for the appeal
- g. Detailed reasons for the appeal
- h. All evidence that supports the appeal
- i. Requested remedy or remedies
- j. An appeal fee of five hundred dollars (\$500) which will be refunded if the appeal is successful, or forfeited if the appeal is denied. Interac e-transfer or certified cheques will be accepted.

6. An Individual who wishes to initiate an appeal beyond the fourteen (14) day period must provide a written request stating the reasons for an exemption. The decision to allow, or not allow, an appeal outside of the fourteen (14) day period will be at the sole discretion of the Case Manager and may not be appealed.

7. Appeals should be submitted to:

President, WSWsask  
202-1630 Quebec Ave, Saskatoon, SK S7K1V7  
or email: [wswsask@gmail.com](mailto:wswsask@gmail.com)

**Case Manager**

8. Upon the receipt of an appeal, the Association will appoint an independent Case Manager to manage and administer appeals submitted in accordance with this Policy and such appointment is not appealable. Case Manager services will be accessible through Sask Sport from an external firm or pool of individuals with knowledge and expertise in dispute resolution.

### **Grounds for Appeal**

9. An appeal may only be heard if there are sufficient grounds for appeal, as determined by the Case Manager. Sufficient grounds only include the Respondent:

- a. Made a decision that it did not have the authority or jurisdiction (as set out in the Respondent's governing documents)
- b. Failed to follow its own procedures (as set out in the Respondent's governing documents)
- c. Made a decision that was influenced by bias (where bias is defined as a lack of neutrality to such an extent that the decision-maker appears not to have considered other views)
- d. Made a decision that was grossly unreasonable

10. The Appellant must demonstrate, on a balance of probabilities, that the Respondent has made a procedural error as described in the 'Grounds for Appeal' section of this Policy.

### **Alternate Dispute Resolution**

11. Upon receiving the notice of the appeal, the fee, and all other information (outlined in the 'Timing of Appeal' section of this Policy), the Appeals Committee may suggest, and the Parties may consent, the appeal to be heard under the Association's *Alternate Dispute Resolution Policy*.

12. Appeals resolved by mediation under the Association's *Alternate Dispute Resolution Policy* will cause the administration fee to be refunded to the Appellant.

### **Screening of Appeal**

13. Should the appeal not be resolved by using the *Alternate Dispute Resolution Policy*, the Case Manager will have the following responsibilities:

- a. Determine if the appeal falls under the scope of this Policy
- b. Determine if the appeal was submitted in a timely manner
- c. Decide whether there are sufficient grounds for the appeal

14. If the appeal is denied on the basis of insufficient ground, because it was not submitted in a timely manner, or because it did not fall under the scope of this Policy, the Appellant and the Association will be notified, in writing, by the Appeal Committee of the reasons for this decision. This decision may not be appealed.

15. If the Appeal Committee is satisfied there are sufficient grounds for an appeal, the Case Manager will appoint an Appeals Panel (the "Panel") which shall consist of a single Adjudicator, to hear the appeal. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the appeal. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.

16. The Case Manager will establish and adhere to timeframes that ensure procedural fairness and that the matter is heard in a timely fashion.

*Procedure for Appeal Hearing*

**17. The Case Manager, in cooperation with the Panel, shall then decide the format under which the appeal will be heard. This decision may not be appealed.**

**18. The format of the hearing may involve an oral in-person hearing, an oral hearing by telephone/telecommunications or other electronic means, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Panel deem appropriate in the circumstances, provided that:**

- a. The hearing will be held within a timeline determined by the Case Manager or the Panel
- b. The Parties will be given reasonable notice of the day, time and place of the hearing, in the case of an oral in-person hearing, an oral hearing by telephone or other telecommunications
- c. Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
- d. The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
- e. The Panel may request that any other individual participate and give evidence at the hearing
- f. The Panel may allow as evidence at the hearing any oral evidence and document or thing relevant to the subject matter of the appeal, but may exclude such evidence that is unduly repetitious and shall place such weight on the evidence as it deems appropriate
- g. If a decision in the appeal may affect another party to the extent that the other party would have recourse to an appeal in their own right under this Policy, that party will become a party to the appeal in question and will be bound by its outcome
- h. The decision to uphold or reject the appeal will be by a majority vote of the Panel

**19. The hearing will proceed in any event, even if a Party chooses not to participate in the hearing.**

**20. In fulfilling its duties, the Panel may obtain independent advice.**

**Appeal Decision**

21. The Panel shall issue its decision, in writing and with reasons, after the hearing's conclusion. In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide to:

- a. Reject the appeal and confirm the decision being appealed
- b. Uphold the appeal and refer the matter back to the initial decision-maker for a new decision
- c. Uphold the appeal and vary the decision

22. The Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and the Association within 14 days of the hearing's conclusion. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to

be issued thereafter. The decision will be considered a matter of public record unless decided otherwise by the Panel.

### **Confidentiality**

23. The appeals process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information to any person not involved in the proceedings.

### **Final and Binding**

24. The decision of the Panel will be binding on the Parties and on all the Association's Individuals.

25. No action or legal proceeding will be commenced against the Association or Individuals in respect of a dispute, unless the Association has refused or failed to provide or abide by the appeal process as set out in this Policy.

Date Adopted: \_\_March 20, 2016\_\_

## **Appendix A**

### **CASE MANAGER POSITION DESCRIPTION**

#### **Purpose**

1. In some of its policies, the Association requires the appointment of a Case Manager. This Position Description outlines the role, identity, responsibilities and tasks of the Case Manager.

#### **Policies**

1. The following Policies require the appointment of a Case Manager:
  - a. Discipline and Complaints
  - b. Appeal
  - c. Alternate Dispute Resolution Policy

#### **Identity**

2. The Case Manager, whether or not appointed by the Association at their sole discretion, should be experienced with the management of disputes in an unbiased manner. The individual should not be connected in any way to the issue being disputed (and/or the outcome of the dispute) but does not necessarily need to be an independent third-party not connected with the Association – though the guaranteed independence and neutrality of a third-party is preferred. The individual does not need to be a Member of the Association.

3. The Case Manager's identity does not need to be approved by any of the parties involved in the dispute, excluding the Association.

#### **Discretion - Complaints**

4. When a complaint is filed, the Case Manager is required to:

- a. Determine whether the complaint is frivolous and within the jurisdiction of the Discipline and Complaints Policy
- b. Propose the use of the Association's Alternate Dispute Resolution Policy
- c. Appoint the Panel, if necessary
- d. Coordinate all administrative aspects and set timelines
- e. Provide administrative assistance and logistical support to the Panel as required
- f. Provide any other service or support that may be necessary to ensure a fair and timely proceeding

#### **Discretion - Appeals**

**5. *When an appeal is filed, the Case Manager is required to:***

- a. Propose the use of the Association's Alternate Dispute Resolution Policy
- b. *Determine if the appeal falls under the scope of the Appeal Policy***
- c. *Determine if the appeal was submitted in a timely manner***
- d. *Decide whether there are sufficient grounds for the appeal***
  - g. Appoint the Panel, if necessary
  - h. Coordinate all administrative aspects and set timelines
  - i. Provide administrative assistance and logistical support to the Panel as required
  - j. Provide any other service or support that may be necessary to ensure a fair and timely proceeding

***When determining if there are sufficient grounds for appeal, the Case Manager is not acting as the Panel and determining the merits of the appeal, but instead determining whether the Appellant has properly shown that an error, as described in the Appeal Policy, has been properly argued. The Case Manager will need to carefully consult the Association's policies and procedures, and analyze the process that contributed to the decision, to determine whether there are appropriate grounds.***

#### **Discretion – Alternate Dispute Resolution**

**6. *When the parties agree to the jurisdiction of the Alternate Dispute Resolution Policy, the Case Manager maybe required to:***

- a. Appoint the mediator or facilitator
- b. Coordinate all administrative aspects and set timelines
- c. Provide administrative assistance and logistical support to the mediator or facilitator as required

#### **Hearing Format - Discretion**

7. If necessary, the Case Manager is required to exercise their discretion to determine the format of the hearing. Hearings typically take the following forms:

- a. In person
- b. Conference call
- c. Written submissions
- d. Conference call + written submissions

8. In determining the format of the hearing the Case Manager should consider:

- a. The distance between the parties
- b. The animosity between the parties
- c. The time commitment and location of the Panel
- d. The timelines for a decision
- e. The language barriers between the parties
- f. The gravity of the complaint/appeal

#### *Panel Appointment*

9. ***The Case Manager is required to appoint a Panel of one person, or three in extraordinary circumstances, to decide the issue. The individual(s) should have the following characteristics:***
- a. ***Experience in dispute resolution***
  - b. ***Experience with sport disputes***
  - c. ***No connection to either party***
  - d. ***Preferably no connection with the Parties***
  - e. ***Decisive***
10. ***The Case Manager should remind the Panel to adhere to the powers given to the Panel by the applicable policy. For example, if the policy does not permit the Panel to suspend the respondent indefinitely, then the Panel cannot sanction the respondent in this manner.***

#### *Communication*

11. ***Especially when the hearing is to be held by written submissions, the Case Manager is required to communicate swiftly, clearly, and decisively with each party. The parties must adhere to the deadlines set by the Case Manager or by the applicable policy and the process must move forward even if a party misses a deadline.***
12. ***When coordinating an oral hearing, the Case Manager should first consider the schedule of the Panel, then the schedule of the complainant, and then the schedule of the respondent in an attempt to find a suitable time for everyone.***

#### *Suggested Procedure*

13. ***The Case Manager may implement the following procedure to facilitate the Discipline and Complaints Policy or the Appeal Policy:***
- a. ***Receive the written complaint or appeal***
  - b. ***Communicate with the Complainant/Appellant that you have been appointed the Case Manager and that their complaint/appeal will be disclosed to the Respondent and Panel. Also determine if there is additional evidence or written submissions to follow, if so, provide a deadline for receipt. (After this step, the Complainant/Appellant may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel)***
  - c. ***Determine whether the complaint is within the jurisdiction of the applicable Policy.***
  - d. ***Notify the Respondent that you are the Case Manager and are in receipt of a complaint/appeal. Communicate to the Respondent that any submissions will be provided to the Complainant/Appellant and Panel. Provide the Respondent with a reasonable timeframe to submit their response document and any applicable evidence. (After this step, the Respondent may not have another opportunity to make additional submissions or provide evidence, unless determined otherwise by the Panel).***
  - e. ***The Case Manager may wish to provide the Complainant/Appellant to submit a rebuttal, but the rebuttal must be limited to issues raised by the Respondent and is not an opportunity to provide new evidence. The Panel may exclude such new evidence.***
  - f. ***Appoint the Panel***
  - g. ***Conduct a hearing either via written documentation, teleconference, in – person, or a combination of these techniques.***

***h. Ensure the Panel renders a written decision within a prescribed timeline.***

Date Adopted: \_\_March 20, 2016\_\_